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# Title 25

## CULTURAL RESOURCES

### Part I. Office of Cultural Development

## Chapter 1. Division of Archaeology

### Subchapter A. Regulations

#### §101. Definitions

**Burial Furniture** Cmovable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, or shell.

**Commission** Cthe Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601-1613 inclusive and amended by R.S. 41:1601-1614 inclusive.

**Contract or Contract for Survey and Salvage** Ca written agreement entered into by the secretary under the authority of R.S. 41:1607 for the study, conservation, and salvage of historic and prehistoric resources within a designated state archaeological landmark or on state-owned lands.

**Contractor** Ca party that has entered into a contract for survey and salvage with the secretary under the provisions of the regulations.

**Division** Cthe Division of Archaeology created by and acting pursuant to the provisions of R.S. 41:1601-1614 inclusive.

**Excluded Public Lands** Cpublic lands title to which is vested in or under the control and management of the public entities described in *State-Owned Lands or Lands Belonging to the State of Louisiana* below.

**Historical and Prehistoric Resources** Cthe entire range of archaeological sites and remains and includes but is not limited to:

1. prehistoric Native American or American Indian campsites, dwelling, habitation sites, burial grounds, mounds, and all sites of every character;
2. historical sites of all ethnic groups and in both rural and urban areas of the state including house sites, plantations, camps, and industrial sites, as well as the buildings and the objects from these sites;
3. all sunken or abandoned ships and wrecks of the sea or rivers, or any part of the content thereof;
4. all archaeological material such as artifacts embedded in the earth or underwater; and
5. all maps, records, documents, books, artifacts, and implements of culture which relate to such archaeological remains.

**Indian Burial Site** Cany location used by historical or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations.

**Investigation** Cthe study of a state archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.

**Private Lands** Clands which are not public lands nor owned by the United States of America, the state of Louisiana, or any department, agency, or instrumentality thereof.

**Professional Archaeologist** Ca person who meets the minimum qualifications listed in ' 102 below.

**Reference Series** Cpublications which are basic source material needed in the study, management, or presentation of archaeological information. Publications in the reference series include but are not limited to *Louisiana's Comprehensive Archaeological Plan* and the *Annotated Bibliography of Cultural Resource Survey Reports*.

**Regulations** Cthe rules and regulations provided for in hereof, and as this instrument may be amended hereafter.

**Secretary** Cthe secretary of the Department of Culture, Recreation and Tourism.

**State Archaeological Landmark or Landmark** Ca geographic area situated on state-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the commission in the *Registry of State Archaeological Landmarks*.

**State-Owned Lands or Lands Belonging to the State of Louisiana** Call public lands within the limits of the state, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the state of Louisiana, other than lands title to which is vested in:

1. the United States of America or any of its agencies, departments, or instrumentalities;
2. local political subdivisions of the state of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts; and
3. the three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1614.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:409 (April 1994).

**§102. Minimum Qualifications for Professional Archaeologists**

A. The following information outlines the basic educational and training requirements that a person must have to direct archaeological investigations on state property. In addition to basic educational requirements, the person must demonstrate expertise in historic archaeology if the project is mainly historical in nature or in prehistoric archaeology if the resources are primarily prehistoric. If the resources are underwater, the person must demonstrate expertise in underwater archaeology. These minimal qualifications parallel in large part those included in the "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (Federal Register, Vol. 48, Number 190 September 29, 1983) and in the *Guide to the Society of Professional Archaeologists*, "Requirements for Membership and Certification" (1993). A person who wishes to conduct archaeological investigations on state property must document that s/he has the education, training, and appropriate expertise listed below.

1. Basic Educational Requirements. To meet the basic educational requirements, a person must have designed and executed an archaeological study as evidenced by a thesis or dissertation, and must have been awarded an advanced degree, such as an M.A., M.S., Ph.D., or D.Sc., from an accredited institution in archaeology, historical archaeology, anthropology with a specialization in archaeology, or history with a specialization in archaeology. If the thesis or dissertation is not based primarily on field research in archaeology, the person must have designed and executed an archaeological study or report based on field research equivalent in scope and quality to an M.A. or M.S. thesis or Ph.D. or D.Sc. dissertation.

2. Basic Training Requirements for Each Area of Expertise

a. Historical Archaeology. Historical archaeology is defined as the application of archaeological techniques to sites relating either directly or indirectly to a literate tradition. Historical archaeology is most often devoted to the study of sites that date to the expansion of literate populations since the fifteenth century. To qualify as a historical archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the historic period, including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a historical archaeological report on field research, prepared wholly or in the majority by the

person requesting recognition as a professional historical archaeologist;

iii. demonstrate experience or training in primary archival research under the supervision of a competent specialist as documented by a report, a course transcript, or a letter of reference;

iv. show the design and execution of a historical archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable about the recovery and interpretation of both archaeological and archival data, and be familiar with the material remains including artifactual components and with their conservation and preservation.

b. Prehistoric Archaeology. Prehistoric archaeology is defined as the application of archaeological techniques to sites relating to preliterate or nonliterate Native American traditions. Prehistoric archaeology is most often devoted to the study of Native American sites of the time before Europeans arrived, but it may also relate to Native American archaeology of the contact period. To qualify as a prehistoric archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the prehistoric period including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a prehistoric archaeological report on field research, prepared wholly or in the majority by the person requesting recognition as a professional prehistoric archaeologist;

iii. show the design and execution of a prehistoric archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

iv. be knowledgeable about the recovery and interpretation of archaeological data and be familiar with the material remains including artifactual components and with their conservation and preservation.

c. Underwater Archaeology. The term underwater archaeology is used to mean archaeological investigations in situations where scuba or surface supplied air equipment is required. Generally, this will apply to sites that are totally submerged in the Gulf of Mexico or in lakes, rivers, or bayous. Underwater archaeology can be divided into prehistoric sites, historical sites, and nautical sites (ships and their related harbor structures). To qualify as an underwater archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with underwater sites and related artifacts, including two weeks of field experience and training in underwater survey techniques and demonstrate

familiarity with the general theory and application of varied remote sensing technology;

ii. document both 24 weeks of supervised underwater fieldwork and 20 weeks of supervisory underwater archaeological fieldwork;

iii. show experience or training in the recovery and interpretation of both archaeological and archival data and, for nautical archaeology, familiarity with the history and technology of navigation and shipbuilding;

iv. document the design and execution of an underwater archaeological study as evidenced by an M.A. or M.S. thesis, or Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable in dealing with water-saturated artifacts and preservation and conservation methods;

vi. for persons specializing in underwater prehistoric sites, experience and training comparable to that specified in the section entitled Prehistoric Archaeology should be documented. For persons specializing in underwater historical sites, experience and training comparable to that specified in the section entitled Historical Archaeology should be documented. Persons specializing in nautical archaeology must be knowledgeable about both archaeological and archival data pertaining to ships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:410 (April 1994).

### **§103. State-Owned Lands C Contract Required**

No person shall excavate, dig into, remove from, take, or alter a state archaeological landmark or any other archaeological site on state-owned lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

### **§105. Purposes of Contracts**

A contract for survey and salvage shall be executed by the state archaeologist or his authorized representative, acting pursuant to the authority of a resolution of the commission approving such contract. Contracts will be granted by the commission for the following purposes:

1. investigations oriented toward the solution of a particular research problem;
2. preparation of a site for public interpretation;
3. restoration and preservation of a site as a nonrenewable cultural resource;

4. salvaging information and specimens threatened with immediate partial or total destruction;

5. investigations undertaken by the commission acting through a contractor for any of the commission purposes under the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

### **§107. Manner of Investigation C Minimum Standard**

Investigations undertaken on state archaeological landmarks must be carried out in such a manner that the maximum amount of historic, scientific, archaeological, and educational information will be recovered and preserved. Such investigations must involve the exclusive use of standard and accepted scientific techniques of excavation, recovery, recording, preservation, and analysis. New or unusual techniques, and the use of earth moving machinery, must be approved in the contract. All measurements will be recorded using the metric system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

### **§109. Contractors**

A. The award of contracts by the commission will be limited to those persons and groups who can demonstrate an ability to carry out proper archaeological investigations.

B. Subject to the requirements of ' 109.C which establish a standard of archaeological competency, contracts may be applied for by:

1. scientific and higher educational institutions;
2. nonprofit corporations and organizations;
3. governmental agencies, departments, or other instrumentalities;
4. established museums which have met the standards of accreditation set by the American Association of Museums or are judged by the commission to be of equal status;
5. archaeological societies whose projects are sponsored by an entity described in ' 109.B.1-4;
6. qualified graduate students or other individuals who demonstrate the qualifications to undertake and complete a specific project of limited scope under the close on-site supervision of a professional archaeologist;
7. other entities, including private research consultants, whose projects are directed to any of the purposes defined in ' 105.

C. Contractors must furnish proof satisfactory to the commission that adequate funds, equipment, facilities, and personnel are available to conduct the investigation

professionally and as approved in the contract, to restore the site to its original condition, and to report the results. Additionally, contractors must show that they have retained a professional archaeologist, to supervise directly and to be responsible for the overall execution of the project from field investigation through preservation of collections and analysis of data to reporting of the results.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

### **§111. Contract Requirements**

All contracts approved by the commission for investigation of a state archaeological landmark shall contain the following requirements:

1. Title to all specimens, artifacts, materials, and samples resulting from investigations on state archaeological landmarks on state-owned lands shall be vested in the state of Louisiana. Title to all specimens, artifacts, materials, and samples resulting from investigations on state archaeological landmarks on excluded public lands and private lands shall be clearly specified in the landmark agreement papers.

2. All specimens, artifacts, materials, and samples will be deposited with the commission upon completion of analysis. Normally, analysis will be completed within one year after the end of field operations. If it can be shown that additional time is necessary to complete legitimate study already in progress, extensions of six months duration may be granted, upon petition, at the discretion of the commission.

3. Original or duplicate copies of all field notes, maps, drawings, and photographs will be deposited with the Louisiana Archaeological Survey and Antiquities Commission within 90 days after the end of field operations. Duplication of such records will be done at the contractor's expense. To protect the publication rights of the archaeologist in charge, such primary field data will not be released by the commission in any form for a period of one year.

4. The Louisiana Archaeological Survey and Antiquities Commission will determine, in accordance with the title arrangements of landmark agreements, the final disposition of all artifacts, specimens, materials, and data recovered by investigations on state archaeological landmarks. In determining final disposition, the commission will take into consideration the advantages of making comparative type collections and specimens for public display available to the educational institutions and accredited museums throughout the state. In exceptional instances, as determined by the commission, collections and other data may be deposited in scientific and educational institutions and museums located outside the state. In all cases, the entire range of physical evidence recovered from a state archaeological landmark on state-owned land remains the property of the state of Louisiana. A complete record of all artifacts, specimens, material, and data distributed by the

commission will be incorporated into the central state archaeological survey files.

5. The commission shall have the right to duplicate any outstanding item recovered from a landmark regardless of who retains title to the original specimen. Duplicates made for or by the commission will be clearly and permanently marked as such. The copied specimens will be used to promote increased public exposure to the state's outstanding antiquities without danger of loss to the original artifacts.

6. Contractors shall be responsible for cleaning, cataloging, and preserving all collections, specimens, samples, and records. The cataloging shall be accomplished in a manner consistent with the uniform catalog system established by the commission.

7. No contract will be granted for a period of more than one year, but if the work has been diligently prosecuted under the contract, the time may be extended upon application showing good cause.

8. The contract shall contain all special regulations governing the particular investigation to be undertaken.

9. Contracts to become executory shall be signed by the state archaeologist or his authorized representative, the contractor, and the professional archaeologist who assumes responsibility for the project.

10. The contractor will have a copy of the contract available at the site of the investigation during all working hours. Any authorized member or agent of the commission, any landowner of a landmark on private lands, and any representative of a governmental agency having jurisdiction over a landmark on excluded public lands may at any time visit the area or site being investigated under the contract. Such a representative may examine the contract as well as the field records, materials, and specimens being recovered.

11. If the contractor fails to comply with the contract, or fails to conduct properly or to complete the project, the commission may terminate the contract upon the giving of notice and hearing to the contractor. Upon cancellation, the contractor shall cease work immediately and vacate the area or site within 24 hours, including removal of all personnel and equipment. Through cancellation of a contract, the contractor forfeits all rights as herein provided to the specimens and data recovered. A contract which has been canceled can be reinstated by the commission if good cause is shown within 30 days of the cancellation.

12. Institutions, museums, organizations, corporations, and persons receiving contracts for investigation of state archaeological landmarks shall, after completion of the work, restore the lands on which they have worked to their former condition, to the satisfaction of the commission and, in the case of landmarks on private lands, to the satisfaction of the landowner.

13. Contractors shall be responsible for preparation of a written report describing in full the results of the investigation. The report should be suitable for publication,

follow the style and format of *American Antiquity*, and be of high professional quality. The contractor shall furnish the commission with an original and 25 copies of the report which have been reproduced by superior duplicating processes such as multilith or xerox. All photographs must be legible, and an original set of photographic prints should accompany the report. The reports will be treated as central state archaeological survey files, and no duplication will be allowed without the permission of the author and the commission.

14. No contract issued by the commission may be transferred in whole or in part to any other institution, museum, corporation, organization, or individual without the expressed written approval of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:377 (September 1975).

### **§113. Types of Contracts**

Three categories of contracts, oriented toward specific types of investigation, will be recognized by the commission. When a state archaeological landmark on private lands or excluded public lands is involved, each type of contract must be endorsed by the landowner or by an appropriate governmental official respectively. The three categories of contracts that will be authorized to be executed by the commission under the act and regulations are as follows:

1. *Survey and Reconnaissance*Ca a contract for the purpose of searching a specific area for sites by visual examinations of the surface or by use of specialized equipment such as magnetometers and metal detectors. Under this type of contract, investigation is limited to recording site locations, mapping, photographing, controlled surface collecting, soil augering to determine depths of midden deposits, and aerial reconnaissance.

2. *Testing*Ca a contract allowing detailed examination of a particular site by systematic test excavations of limited scope.

3. *Excavation*Ca a contract providing for full investigation and extensive excavation of a particular locality.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:378 (September 1975).

### **§115. Applications for Contracts**

A. Applicants qualified in compliance with '109 foregoing and desiring a contract for investigation of a state archaeological landmark shall file an application with the commission at least three months prior to the proposed beginning date of field operations.

B. Applications for contracts shall be prepared on standard forms available from the commission. The applications must include:

1. a statement of the purpose of the investigation;
2. an outline of the proposed work;
3. an accurate sketch plan of the particular site or area to be investigated and a map showing the latitude and longitude;
4. a proposed beginning date for the field work and an estimated length of time which will be devoted to field work;
5. the name, address, and telephone number of the professional archaeologist who will be in immediate charge of the project;
6. the location where the specimens, material, and data will be kept during the analysis of the results of investigation;
7. the proposed date of submission of a final report describing the results of the investigation;
8. evidence of adequate funds, personnel, equipment, and facilities to complete the proposed investigation properly and to restore the landmark to its original condition.

C. Special circumstances may require that a contract be executed on short notice, especially when a site is threatened with immediate destruction. In such cases, application procedures are the same except that the three months lead time is waived. The chairman will poll commission members for immediate approval or disapproval of such emergency applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:378 (September 1975).

### **§117. Intergovernmental Contract Review**

On receipt of an application for a contract to carry out investigations on state lands, the commission will refer such application routinely to the agency or political subdivision having administrative control of the land upon which the site is located. Such original review will be accomplished prior to final approval by the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

### **§119. Due Process Provisions**

Any applicant whose application has been denied, or any other interested party who in any manner has been aggrieved by any provision of the regulations, may file a petition for hearing and review of such denial of application or other grievance by the commission. Such a petition shall be reviewed by the commission, or a committee thereof, and if

it appears that the petitioner has sufficient cause, the hearing requested shall be conducted. If after conducting the hearing it appears that the petitioner is entitled to the relief sought, the commission shall adopt appropriate action. If the commission declines to adopt action granting the release sought by the petitioner, the petitioner shall be entitled to seek relief as may be provided for by law.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

#### **§121. Regulations Severable**

Provisions of these regulations are declared to be severable, and should any part hereof be declared by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remaining parts of the regulations shall remain in full force and effect. All actions of the commission in conflict herewith are repealed to the extent of such conflict.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

#### **§122. Fees**

A. Printed Material. A fee shall be charged for each publication in the reference series and for posters developed by the division. Fees shall be computed based on the estimated cost of developing, printing, mailing, and handling of each publication or poster.

B. Photocopying. A fee of \$ .10 per copy shall be charged for photocopying information including site forms and reports maintained by the division.

C. Curation of Archaeological Collections. A one time fee of \$200 shall be charged for processing and long-term curation of a standard box of artifacts deposited with the division. A standard box measures 12 X 10 X 15 inches and the contents can weigh no more than 30 pounds (13.6 kg). Oversize artifacts shall be assessed at the rate of \$200 per cubic foot. The fee must be paid within 30 days of billing.

D. Fee Waivers. Fees may be waived as described in the division's *Archaeological Code of Louisiana*.

E. Fee Adjustments. Fees may be periodically readjusted to reflect changes in product costs and services.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1614.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994).

## **Subchapter B. Louisiana Archaeological Survey and Antiquities Commission**

### **§123. Purpose**

The purpose of the Louisiana Archaeological Survey and Antiquities Commission is to promote the goals and objectives of the Department of Culture, Recreation and Tourism and to act in an advisory capacity to that department and its secretary in their administration of the Archaeological Resources Act (R.S. 41:1602).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1614.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994).

### **§124. Bylaws**

The bylaws govern the conduct of business by the Louisiana Archaeological Survey and Antiquities Commission.

1. A chairperson shall be selected annually at the fall meeting of the commission and shall preside over meetings of the commission.

2. The commission shall meet at least four times a year and on other occasions, if necessary, at the discretion of the chairperson. Notice of all meetings shall be mailed to each member prior to the meeting. All meetings shall be open to the public and shall be held in accordance with all appropriate state laws. *Robert's Rules of Order* shall be the final authority on matters of parliamentary procedure. Minutes of the meetings shall be reduced to writing and retained by the Division of Archaeology.

3. Action of the commission shall be by the affirmative vote of a majority of the members of the commission attending a meeting, provided that a quorum of six or more such members is present. Proxy votes authorized by the written consent of an absent commission member are permissible.

4. There shall be an executive committee composed of the chairperson, vice-chairperson, and state archaeologist. The executive committee is authorized to exercise the powers of the commission when the calling of an emergency meeting of the commission is impossible or not warranted. All actions adopted by the executive committee shall be submitted to the commission members for their consideration and ratification at the next regular meeting of the commission.

5. Commission members shall be paid a per diem and reasonable and necessary expenses incurred according to the authorization established in R.S. 41:1602, if funding permits.

6. Members shall comply with all state laws relating to ethics and conflicts of interest.



AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994).

## Subchapter C. Registry

### §141. Creation and Maintenance of Registry

The provisions of Subchapter C define and create a registry of state archaeological landmarks, hereafter referred to as "registry." The registry will consist of an inventory of landmarks that are approved by the commission. The inventory shall be maintained by the secretary of the commission in a special book of record marked *Louisiana Registry of State Archaeological Landmarks*. The registry shall be placed in the permanent archives and records of the commission under the official custody of the state archaeologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

### §143. Purpose of Landmarks

Prehistoric and historic sites will be registered as state archaeological landmarks by the commission in order to insure that such sites will be preserved and protected to the maximum extent possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

### §145. LandmarksC State-Owned Lands

Any prehistoric or historic site defined by R.S. 41:1607(1) and located in, under, or on lands belonging to the state of Louisiana may be included in the registry at the discretion of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

### §147. LandmarksC Excluded Public Lands

Any prehistoric or historic site defined by R.S. 41:1607(1) and located on excluded public lands may be designated a state archaeological landmark provided that prior to entering such designation in the registry the commission first secures permission to do so by the following actions:

1. Give notice in writing to the appropriate agency, political subdivision, or other entity, defined in Subchapter A, ' 101. *State-Owned Lands or Lands Belonging to the State of Louisiana*. The notice shall state that the commission intends to include a designated geographic area of land in the registry as a state archaeological landmark. The notice shall include a reasonable description of the limits of the

proposed landmark, set out the reasons for the intended designation, describe all responsibilities pertaining to the preservation and upkeep of the landmark, and specify that the notified party may within a period of 30 days apply to the commission for the holding of a hearing prior to action on the proposed landmark designation.

2. Hold a hearing on the proposed landmark designation should one be requested within a period of 30 days after mailing of the notice. Upon receipt of a request for a hearing, the chairman of the commission shall set a time not less than 30 nor more than 90 days from the date of receipt of such request. The interested party shall be advised promptly of the decided date, time, and place of such hearing and of the right to be represented by counsel and to present witnesses and any other evidence and testimony relevant to the determination of suitability for the site as a state archaeological landmark.

3. Obtain a written agreement from the agency, political subdivision or other entity holding title to the land upon which the landmark is located. The agreement shall state that the proposed landmark will be protected as a cultural resource and that, subject to the outcome of intergovernmental contract review, the commission shall have the sole jurisdiction to award contracts for survey and salvage at the site. Such agreement of consent will stipulate that all subsequent investigation or alteration of the landmark will be done in strict compliance with the requirements of the regulations adopted by the commission. The agreement of consent will specify which agency or political subdivision shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

### §149. LandmarksC Private Lands

Any prehistoric or historic site defined by R.S. 41:1607(1) and located upon private lands may be designated a state archaeological landmark provided that prior to entering such designation in the registry, the commission first secures the voluntary written permission of the landowner or landowners to do so. The agreement of consent will vary according to specific circumstances, but in general it will contain the provisions suggested in the following outline:

1. the geographic limits of the proposed landmark will be described in a manner sufficient to locate the site upon the ground;

2. there will be a statement to clarify that landowner consent for a site to become a landmark does not constitute a forfeiture of all control over the land upon which the site is located;

3. there will be a statement to acknowledge that landowner consent for a site to become a landmark does represent a pledge on the part of the landowner or

landowners to preserve and protect the site as a nonrenewable cultural resource;

4. there will be a statement specifying the precise degree of jurisdiction transferred to the commission with respect to determining who shall be allowed to enter upon the landmark for the purpose of removing artifacts and specimens of all types or for the purpose of violating the site by any form of excavation for whatever reason;

5. there will be language encouraging the landowner to remove the landmark from cultivation or stipulating those plaza or village areas that may be subjected to continued normal cultivation under the agreement;

6. there will be a statement of recognition that all contractors authorized by the commission must respect the rights of the landowner and will be held liable for damage to all access routes, property, and lands adjacent to the landmark;

7. there will be a clear statement stipulating who shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage;

8. there will be a statement setting out the exact limits and degree of public access to the landmark, if any, that are acceptable to the landowner and to the commission once the landmark has been investigated, properly restored, and stabilized;

9. all special conditions and restrictions will be described fully in a manner acceptable to both the commission and the landowner or landowners.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

#### **§151. National Register**

State archaeological landmarks determined by the commission to be of major scientific and educational value will be nominated through prescribed channels for inclusion in the National Register of Historic Places.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

#### **§153. Landmark Declassification**

Any state archaeological landmark may be determined by resolution of the commission to be of insufficient historical, archaeological, or scientific interest to warrant its further classification as such. Upon such determination the site may be removed from the registry.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

## **Subchapter D. Files and Custodianship**

### **§155. Central State Archaeological Survey Files**

The provisions of this Subchapter establish the central state archaeological survey files as authorized by R.S. 41:1607(5). The files shall be maintained in the office of the state archaeologist under his care, custody, and responsibility, acting for and on behalf of the commission. Also contained in this Subchapter are provisions which clarify the custodianship and use of state-owned antiquities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

### **§157. Contents of Files**

The central state archaeological survey files shall include all available information on known historic and prehistoric sites located within the state of Louisiana. Such information may include geographical references, site descriptions, field notes, maps, drawings, photographs, and related documents of every description. The files will contain a complete catalog record of all antiquities and objects recovered from state lands or donated from other lands that are in the control and possession of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 41:1601-1613.

**HISTORICAL NOTE:** Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

### **§159. Supplementary Files**

The central state archaeological survey files additionally consist of files and records in the following locations and under the care and custody of the following designated institutions:

1. Museum of Natural Science  
Louisiana State University  
Baton Rouge, Louisiana 70803
2. Department of Social Sciences  
Northwestern State University of La.  
Natchitoches, Louisiana 71497
3. Department of Geosciences  
Northeast Louisiana University  
Monroe, Louisiana 71209
4. Department of Anthropology  
University of New Orleans  
New Orleans, Louisiana 70148
5. Department of Sociology and Anthropology

University of Southwestern Louisiana  
Lafayette, Louisiana 70504

6. Archives and Records Division

Louisiana Secretary of State's Office  
Baton Rouge, Louisiana 70804

7. Environmental Unit

Louisiana Department of Transportation and  
Development  
Baton Rouge, Louisiana 70804

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§161. Deputy Custodians**

The appropriate officers of the entities listed in ' 159 are appointed and designated as deputy custodians of the central state archaeological survey files. The deputy custodians shall be responsible for the files and objects presently in their possession and as hereafter may come into their official possession pursuant to the regulations. Deputy custodians of the central state archaeological survey files shall maintain an up-to-date inventory of all antiquities and objects in their possession and file the same with the state archaeologist. A duplicate copy of all files in the possession of each deputy custodian shall be made available to the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§163. Private Custodianship Contracts**

Private universities or colleges and museums which are accredited or approved by the commission may participate in the supplementary files system by entering into a custodianship contract with the commission. The custodianship contract shall designate the contracting institution as a deputy custodian and provide for full participation in the central state archaeological survey files system. Deputy custodians appointed through custodianship contracts shall be subject to all requirements and responsibilities contained herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§165. Access to Files**

Access to the central state archaeological survey files will be restricted to those agencies and persons who, in the opinion of the state archaeologist or appropriate deputy

custodian, have a legitimate need for the information contained therein. Easy access to the files will be provided to all scientific and educational institutions, professional archaeologists, students, government agencies, archaeological societies, and other individuals who are pursuing valid research needs. Access will not be provided automatically, however, to those groups or persons lacking specific purpose or requirements unless a clear scientific or educational intent can be demonstrated. The central state archaeological survey files will be maintained to protect archaeological resources and to contribute to scholarship and scientific advancement; the files will not be maintained to facilitate the location of archaeological sites for activities specifically prohibited by R.S. 41:1609.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§167. Custodianship of State-Owned Antiquities**

All antiquities and objects recovered from state lands or donated to the state from private lands or excluded public lands shall become the legal responsibility of the commission. Such antiquities shall be deposited with the commission and recorded in the central state archaeological survey files. The final repository of state-owned antiquities will be decided by the commission on the basis of maximum public exhibit consistent with the full protection and preservation of such antiquities as nonrenewable cultural resources. State antiquities deposited with deputy custodians may be recalled by the commission at any time should such action be warranted in the opinion of a majority of commission members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§169. Burial Furniture and Physical Remains**

Burial furniture and physical remains removed from an Indian burial site and unclaimed by a legal heir shall be recorded in the central state archaeological survey files and shall be afforded the same protection as other state-owned antiquities that are in the control and possession of the commission. Such items may be deposited in educational institutions and accredited museums under the care of a deputy custodian designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

**§171. Use of Antiquities**

No object or antiquity recorded in the central state archaeological survey files shall be sold, loaned, or otherwise lost or disposed of except pursuant to the authority

of the commission. However, nothing herein contained shall be construed as preventing a deputy custodian from providing for such use of objects and antiquities as is necessary and incidental to the educational programs of the institution at which such objects and antiquities are stored and maintained, or for any other use as a cultural and educational resource.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

## Subchapter E. Program

### §173. Purpose

The provisions of Subchapter E initiate and adopt a program of archaeology for the state of Louisiana as authorized and directed by R.S. 41:1607.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

### §175. Archaeological Program

The commission, acting through its officers, staff, employees, committees and contractors, in order to implement and supplement the directives of R.S. 41:1607, shall inaugurate a program of activities in archaeology which will include, but not be limited to, the following endeavors:

1. revise, extend, improve, and promote the *Registry of State Archaeological Landmarks*;
2. contribute to the public awareness and understanding of the state's historic and prehistoric resources by:
  - a. designing and maintaining a system of exhibits and interpretive displays;
  - b. issuing regular news releases to the public media;
  - c. providing a series of accurate and informative publications directed to the nonprofessional audience;
  - d. cooperating with state archaeological societies;
  - e. making commission records, files, and expertise available to students from all institutions of higher education;
  - f. developing a lecture program and audio-visual aids suitable for use by civic and school groups within the state;
3. encourage participation by private landowners in the process of conservation, preservation, and investigation of prehistoric and historic resources;

4. undertake a comprehensive survey of the entire state and its offshore waters to determine the full extent of existing nonrenewable cultural resources;

5. prepare and keep up-to-date a priority list of specific investigations that must be conducted in order to satisfy the objectives of the commission's long-range research strategy. Except in the case of sites threatened with immediate destruction, contracts should be assigned partially on the basis of what the proposed project can contribute to the solution of such overall research problems. Budget requests as well should reflect the priority of investigations;

6. undertake a legislative study exercise to determine the need, if any, for changes in state law to achieve the goals of the commission's program as stated herein;

7. investigate the need for additional regulations to implement Public Law 93-291, adopted May 24, 1974, by the Congress of the United States;

8. standardize the state's archaeological data base by and after interaction and cooperation with all agencies and institutions of higher education actively investigating the history and prehistory of Louisiana. Through standardization of forms used in recording archaeological data and through development of a computer program to process such data, the results of all archaeology conducted within the state shall be made available to and be in a form utilizable by all other archaeologists participating in the system;

9. inform state agencies, departments, and other instrumentalities including subdivisions, special districts, law enforcement officers, and other units of local government of all registered state archaeological landmarks and the regulations pertaining thereto;

10. publish both popular and professional articles of scientific, historic, and prehistoric merit;

11. inform all state agencies, departments, and other instrumentalities of the commission's program, the benefits to be derived from such work, the law pertaining thereto, and the regulations adopted to execute such program;

12. nominate through prescribed channels all state archaeological landmarks determined by the commission to be of major scientific and educational value for inclusion on the National Register of Historic Places. The National Register program will be explained to landowners at the same time sites on private lands are being registered as landmarks;

13. establish and maintain liaisons with archaeological organizations in both the professional and amateur categories for the purpose of:

- a. determining the need for action by the commission;
- b. identifying new items to include in the program;
- c. assessing the need for amendment, repeal or rewriting of the regulations;

d. obtaining input of ideas for better carrying out the purposes, goals, and objectives of the commission;

e. facilitating the preservation, conservation, and proper utilization of the archaeological resources of the state;

14. support federal, state, and private agencies, political subdivisions, and firms in determining the impact of proposed construction projects on all historic and prehistoric resources. The commission may, at its discretion, accept an existing archaeological resources statement, provided that a recent ground survey has been conducted by a professional archaeologist in support of the statement. The commission may also contract with another agency, political subdivision, or firm whose staff includes a professional archaeologist to survey the construction area and to prepare an archaeological resource statement;

15. seek to establish and solicit private support for the Louisiana Archaeological Council. Membership in the council will be open to all professional archaeologists located or working in the state of Louisiana. The council will meet quarterly, whenever possible in conjunction with any other archaeological meeting. The council will serve as an advisory body to the Louisiana Archaeological Survey and Antiquities Commission. It will contribute to a coordinated state archaeological program by providing a medium through which the fruition of on-going investigations can be shared and research assignments can be allocated on a voluntary basis;

16. design, sponsor, and maintain a permanent storage and research facility to be called the Louisiana Center for the Study of Man. Such a building will:

a. serve as permanent headquarters for the commission;

b. provide safe, atmospherically controlled, and perpetual storage for the state's historic and prehistoric resources;

c. house the central state archaeological survey files;

d. contain efficient and adequate facilities for the treatment, preservation, and processing of recovered remains of all types;

e. be the center for uniform, up-to-date type collections of the state's historic and prehistoric artifacts;

f. supply exhibit space for outstanding archaeological specimens deserving of public viewing;

g. provide safe and accessible storage for photographs, books, records, maps, and documents pertaining to Louisiana history and prehistory;

h. facilitate the utilization of collections and field data in the custody of the commission in a manner which encourages maximum analysis and interpretation;

i. serve as a primary research facility for all professional archaeologists, scientists, and students who are

interested in and actively studying the history and prehistory of human settlement in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

## Subchapter F. Underwater Investigations

### §177. Purpose

The provisions of Subchapter F constitute a supplement to the regulations pertaining to the special conditions for location and recovery of sunken treasure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:384 (September 1975).

### §179. Contract Requirements

Contracts for underwater investigations of all types will be issued by the commission in strict compliance with the procedures set forth in the regulations. Due to the potentially high monetary value of the objects that conceivably will be recovered by underwater exploration, the following additional conditions must be satisfied before a contract will be initiated:

1. an applicant must be bonded and financially responsible;

2. contracts for the recovery of sunken treasure will be issued for only one specific underwater site at a time;

3. the contractor must have suitable seaworthy motor vessels, diving apparatus, and related equipment to conduct the search and recovery in a proper and safe manner;

4. the professional underwater archaeologist in charge and all personnel involved in the underwater search and recovery operation must be covered by acceptable liability insurance which is procured at the expense of the contractor;

5. the contractor must bear the expense of having a minimum of one representative of the commission on board the motor vessel at all times;

6. objects retrieved from underwater sites will be inventoried immediately by a representative of the commission and thereafter deposited in a place of safekeeping which has a degree of security commensurate with their value;

7. the contractor must demonstrate the capability for immediate stabilization, treatment, and preservation of the recovered underwater remains, many of which are highly perishable upon exposure to the atmosphere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:384 (September 1975).

**§181. Title to Remains and Compensation**

Superior title to all objects recovered from underwater sites located within the river systems, tidelands, submerged lands, or offshore waters falling under the jurisdiction of the state of Louisiana shall be retained by the state. Under certain conditions allowed by R.S. 41:1606 and as approved in advance by the commission, a reasonable percentage of the recovered remains may be allocated to the contractor as fair compensation for their salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

## Subchapter G. Indian Burial Sites

**§183. Purpose**

The provisions of Subchapter G recognize the special nature of Indian burial sites as archaeological landmarks in accordance with the public policy of the state as enunciated in R.S. 8:651 et seq., R.S. 14:101, and laws supplemental thereto declaring that the site of interment of human remains is to be protected from disturbance. Subchapter G further recognizes the need to contribute to the knowledge, understanding, and appreciation of the cultural heritage of historic and prehistoric ethnic American Indian groups and to expand and document the history of such Indian groups by recovery of sufficient archaeological and anthropological evidence from Indian burial sites in proper cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

**§185. Indian Burial Sites Contract Required**

No person shall excavate, dig into, remove from, take, or alter an Indian burial site on state-owned lands, excluded public lands, or private lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage as set out in Subchapter A, ' '107-119 inclusive. In addition to the requirements of ' '107-119 inclusive, a contract for survey and salvage pertaining to an Indian burial site shall be found by the commission to have the following special goals:

1. to achieve the purposes set out in '183 of this Subchapter;
2. to restrict excavation to that which is archaeologically necessary so as to not wantonly desecrate the Indian burial site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

**§187. Use of Indian Burial Sites**

The provisions of this Subchapter shall not be construed as preventing a landowner from utilizing an Indian burial site for purposes of farming, cattle raising, timber growing, and other similar surface uses that will not result in the disturbance of human remains through excavation or other activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

**§189. Burial Furniture and Physical Remains**

All burial furniture and physical remains removed from an Indian burial site are the property of the state of Louisiana in the event that no person appears who is a legal heir entitled to inherit the property of the Indian who is interred. Such burial furniture and remains that become property of the state shall be placed in the care and custody of the commission or a deputy custodian designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

**§191. Indian Burial Sites as Landmarks**

Indian burial sites and other cemeteries as defined in R.S. 8:1 et seq. may be declared to be and registered as state archaeological landmarks in accordance with the provisions of Subchapter C, ' '143-149 inclusive. Failure of the commission or the state archaeologist to identify an Indian burial site or to designate an Indian burial site as a state archaeological landmark shall not alter the status of such site as a cemetery or burial ground within the meaning of R.S. 8:1 et seq. and other laws pertaining to places of interment of human remains.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission in LR 1:385 (September 1975).

**§193. Emergency Landmark Designation**

A. When it appears that an Indian burial site having extraordinary archaeological value has been excavated or is in imminent danger of being desecrated in violation of Louisiana law (particularly R.S. 8:653), the commission may make an emergency designation of such Indian burial site as a state archaeological landmark.

B. Emergency designations affecting private lands or excluded public lands shall be adopted by resolution of the

commission or by order of the state archaeologist. Such resolution or order shall set out and include:

1. a map or description identifying the limits of the geographic area found hereunder to constitute an Indian burial site;

2. a statement specifying the archaeological evidence supporting such finding and declaration;

3. a description of the excavation or threatened desecration in violation of law on which the emergency action of the commission or the state archaeologist is predicated.

C. The commission may take such additional legal action in the conservation and preservation of an Indian burial site as is authorized by law, including the action authorized by R.S. 41:1612.

D. Notice of the designation of an Indian burial site on private lands or excluded public lands as a state archaeological landmark shall be communicated promptly to the landowner or appropriate agency head. Notice shall be executed by mailing or delivering a copy of the resolution or order making such designation.

E. Any landowner on whose property an Indian burial site has been designated a state archaeological landmark and who objects to such designation is entitled to a hearing and review as provided for under Subchapter A, ' 119. Similarly, the head of any agency involved in such designation on excluded public lands is entitled to the due process procedures of Subchapter A, ' 119.

F. Should no protest or application for a hearing be made by a private owner or an agency head within 120 days of the posting of a written notice designating an Indian burial site as a state archaeological landmark under this Subchapter, such designation shall be final and conclusive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

### **§195. Accidental Disturbance**

Where construction, acquisition, or operation of a building, road, dam, pipeline, or similar improvement project unexpectedly uncovers human remains that appear to fall within the purview of these regulations, the owner, his agents, or other representatives shall delay temporarily, within the specific area where human remains are encountered, all construction or maintenance activity until the following conditions are satisfied:

1. the commission is notified immediately;
2. the human remains and any vestments or other articles interred therewith are preserved and delivered to the commission or a designated deputy custodian of the commission;

3. the owner or person in charge of the construction or maintenance project cooperates with any designated representative of the commission assigned to the site to recover archaeological evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

### **§197. Prior Archaeological Investigation**

Excavation of Indian burial sites by predecessors of the commission, its deputy custodians, the Lower Mississippi Survey, or any other professional archaeologists made prior to the effective date of these regulations for the goals and purposes set forth in ' 183 of this Subchapter are hereby approved and ratified under the law. Nothing herein shall be construed as approving excavations of Indian burial sites made in violation of Louisiana law prior to the effective date of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

### **§199. Unlawful Removal of Burial Furniture**

Whoever without authority of law knowingly excavates an Indian burial site with the intention and for the purpose of taking and removing burial furniture shall be subject to punishment as provided for in R.S. 8:653, R.S. 41:1611, and other applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

## **Chapter 3. Division of the Arts**

### **§301. Introduction: Arts Programs in Louisiana**

A. Believing that public support for the arts is in the public interest, the Louisiana Legislature has created the Louisiana State Arts Council (the council) and the Louisiana Division of the Arts (the division) to administer state arts programs.

B. The Louisiana State Arts Council, composed of 22 members appointed by the governor, is an advisory body to the division regarding matters relating to support of the arts in Louisiana. The council is responsible for making recommendations on cultural policy, for preparing an annual state plan for the arts, for initiating and coordinating statewide arts programs, for providing technical assistance to community and state arts organizations, and for promoting other artistic activities in the state. Further, the council is responsible for the allocation of arts grant funds.

C. The Division of the Arts, the official state arts agency, is in the Office of Cultural Development, Department of Culture, Recreation and Tourism. The division administers

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state and federal funds appropriated for arts grants in Louisiana.

D. Philosophy of Assistance. The Louisiana State Arts Council has formally adopted the following policy statement: The arts are an essential part of life in Louisiana. Each citizen has the right to the arts. The Louisiana State Arts Council is a catalyst for participation, education, development, and promotion of excellence in the arts. It is our responsibility to support established arts organizations, nurture emerging organizations, and assist individual artists.

1. The council and division, aware that funds are not sufficient to address all the needs of the arts in Louisiana, agree that their resources are best used to:

- a. support organizations which have demonstrated their ability to present or to sponsor programs of demonstrable quality and professionalism with significant impact on the community and the state;
- b. support quality arts activities which are the result of community-based effort and planning;
- c. support individual artists in their creative work;
- d. promote consideration for the aesthetic quality of the physical environment;
- e. initiate arts activities which are statewide in scope and impact;
- f. further, the division and council believe that their role is to supplement the resources of existing arts organizations. Grants are not to serve as the primary source of funds for an organization.

2. Goals. The council and division have adopted the following goals as appropriate means of achieving the ends set forth in their philosophy of assistance:

- a. provide access to quality arts experiences to the people of Louisiana;
- b. promote a variety of artistic activities within the state and make the arts available to every segment of the population;
- c. assure the equitable distribution of grants to all of the arts and to all areas of the state;
- d. encourage private-sector support of arts activities so as to enable the arts and artists to flourish;
- e. develop partnerships between state and local arts agencies as these bodies determine arts policy and implement projects;
- f. emphasize the importance of the arts as an integral part of basic education;
- g. aid in the identification, conservation, and presentation of Louisiana folk culture;
- h. promote professionalism in the arts.

3. Each of the goals established by the council and division is important to the state and its citizens.

### E. Advisory Panels

1. The council and division have established advisory panels to assist in administering arts grant programs. Panelists are experienced artists, arts administrators, and other professionals knowledgeable in the arts, and are recommended by individuals, organizations, and division staff. The council approves panelists selected by the division to represent all geographic areas and differing aesthetic and cultural perspectives. Appointments are for one year and may be extended to no more than three consecutive years. Contact the division for instructions on nominating panelists.

2. The specific functions of advisory panels are:

- a. to advise the council and division concerning the appropriateness of levels of support requested in grant applications;
- b. to provide ratings relative to the artistic and administrative merit of proposed projects; and
- c. to evaluate the work of applicants for fellowships.

3. Panels review proposals in the following areas: dance, design arts, folklife, literature, media, interdisciplinary, music, theatre, visual arts and crafts, arts in education, local arts agencies, and major arts institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:894 and 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, LR 7:625 (December 1981), amended LR 8:510 (October 1982), LR 9:684 (October 1983), LR 11:341 (April 1985), LR 11:1137 (December 1985), LR 13:740 (December 1987), LR 14:845 (December 1988), LR 15:720 (September 1989), LR 17:1202 (December 1991), LR 18:1115 (October 1992), amended LR 19:1356 (December 1993).

### §305. Guidelines for Applications

A.1. All applications must be postmarked by March 1. The division will not assume responsibility for lost or misdirected mail. Late applications will be ineligible.

2. Applications will be accepted only for arts activities scheduled to begin no earlier than July 1 and end no later than June 30 of the fiscal year for which the application is submitted.

3. Requests for grants must be submitted on current grant application forms, which may not be altered in any way.

4. Application forms are available from your local arts agency or the Division of the Arts from December 1 to March 1.

5. The guidelines on how grants are to be applied for and awarded will be reviewed yearly. The public is encouraged to provide input during the month of June to be considered for the next year's guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:894 and 25:896.



HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, LR 7:625 (December 1981), amended LR 8:510 (October 1982), LR 9:684 (October 1983), LR 11:341 (April 1985), LR 11:1137 (December 1985), LR 13:740 (December 1987), LR 14: 845 (December 1988), LR 15:720 (September 1989), LR 17:1202 (December 1991), LR 18:1115 (October 1992), LR 19:1536 (December 1993).

## Chapter 5. Bylaws for the Louisiana National Register Review Committee

### §501. Statement of Purpose

The National Historic Preservation Act of 1966 (P.L. 89-665, amended) requires that all nominations to the National Register of Historic Places must first be reviewed and approved by a professional review committee. The members of the committee advise the state historic preservation officer in accordance with National Park Service regulations for the implementation of the National Historic Preservation Act of 1966 (36 CFR Part 60, published in *Federal Register* Volume 46, Number 220, November 16, 1981, pp. 56183-56213; 36 CFR Part 60.6, Subsection M, and 36 CFR Parts 60.11 and 60.12, published in *Federal Register* Volume 48, Number 198, October 12, 1983, pp. 46306-46308; and 36 CFR Part 61, published in *Federal Register* Volume 49, Number 73, April 13, 1984, pp. 14900-14901). Additional duties and functions of the committee are defined in R.S. 25:901-902 of the Louisiana Revised Statutes of 1950 (Act Number 661 of 1979 and Act 288 of 1980). These bylaws supersede any other rules for the operation of the committee which may previously have been in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:902.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of Historic Preservation LR 11:683 (July 1985).

### §503. Bylaws for the Committee

A. The committee members shall be appointed and shall serve as provided in 36 CFR Part 61 (published in *Federal Register* Volume 49, Number 73, April 13, 1984, pp. 14900-14901) and R.S. 25:901-902, as amended.

B. The chairman shall be selected annually at the fall meeting by the committee members.

C. The committee members shall also select a vice chairman annually at the fall meeting. The vice chairman shall serve as temporary chairman in the chairman's absence. The chairman, or in his absence, the temporary chairman, shall preside over all meetings of the committee.

D. The committee shall meet at least four times a year as provided by R.S. 25:901-902 and at such other times as the chairman or majority of the members deems necessary.

E. The state historic preservation officer and deputy state historic preservation officer shall be nonvoting members of the committee with all other privileges, and the deputy shall serve as secretary to the committee.

F. Committee members shall be reimbursed according to the authorization established in R.S. 25:901-902, if funding permits.

G. All meetings of the committee shall be open to the public and shall be in accordance with all appropriate state and federal laws. *Robert's Rules of Order* will be the final authority on matters of parliamentary procedure.

H. Any six members shall constitute a quorum, and a quorum shall be necessary to conduct committee business. The chairman or temporary chairman shall be included in establishing a quorum.

I. Members must vote in person at scheduled committee meetings.

J. All committee recommendations to the state historic preservation officer shall be viva voce. All motions shall carry by a majority of those present ignoring abstentions or blanks.

K. A member shall recuse himself from voting on any property in which he has a vested interest or an interest from which he or his family could derive economic benefits.

L. Members shall comply with all federal and state laws on ethics, conflicts of interest and dual office holding.

M. The committee may consider a citizen sponsored nomination which has not received staff review by two-thirds vote provided notification requirements have been observed.

N. In cases where the state historic preservation officer and the committee disagree on the National Register eligibility of a particular property, the state historic preservation officer may send nomination papers to the keeper of the National Register for a final ruling, as per 36 CFR Part 60.6 (published in *Federal Register* Volume 46, Number 220, November 16, 1981, pp. 56189-56192), and 36 CFR Part 60.6, Subsection M, and Part 60.11 and 60.12 (published in *Federal Register* Volume 48, Number 198, October 12, 1983, pp. 46306-46308).

O. There shall be a sunset limit of three committee hearings for each nomination. This provision may be waived by a two-thirds vote of the members.

P. In instances where the state has refused to nominate a particular property to the National Register, the applicant may appeal to the keeper of the National Register in accordance with 36 CFR Part 60.6, Subsection M and Part 60.11 and 60.12 (published in *Federal Register* Volume 48, Number 198, October 12, 1983, pp. 46306-46308).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:902.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of Historic Preservation, LR 11:683 (July 1985).

## Chapter 7. Division of Black Culture

### §701. Purpose

This program is designed to provide financial, referral and/or technical assistance to Louisiana residents for the promotion and development of Louisiana black culture in accordance with Act 769 of 1954.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §703. Funding Amount

Generally, the maximum amount of a grant award is \$5,000; however, the commission reserves the right to fund proposals in excess of that amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §705. Eligibility

Organizations requesting funding to conduct a black culture program or project must be certified as tax-exempt under 501(c)(3) of the IRS Code; sponsored by a 501(c)(3) tax-exempt organization; or be certified by the state of Louisiana as a Chapter II nonprofit organization and have the representation of a practicing attorney for the completion of expenses form. A copy of IRS determination letter of nonprofit status certificate from the Louisiana secretary of state must accompany your application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §707. Matching Requirements

All grants must be matched dollar-for-dollar in cash and/or in-kind donations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §709. Limitations

Only one program/project per organization per state fiscal year may be funded. All programs/projects must be implemented and completed no later than June 30, 1986. Grant funds may not be used for costs related to hospitality (i.e. food, beverages, banquets, receptions, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §711. How to Apply

Request application in writing from the Division of Black Culture, Post Office Box 44247, Baton Rouge, LA 70804. Due Date: *All applications due in the office of the division by 4:30 p.m. on October 30, annually.*

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §713. Evaluation Criteria

A. The program/project should fulfill some specific, identified community need and should be justified in the description of the proposed project.

B. The program project should be designed to have its primary focus on the cultural development of blacks. Programs developed on various themes regarding Louisiana blacks are preferred.

C. The program/project must be accessible to the general public.

D. Applications will be reviewed in the following areas: program/project need, community involvement and plans/implementation of program/project.

E. Completeness of application and appropriateness of proposed budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §715. Grant Award Notification

The Louisiana Black Culture Commission will determine recipients at its first meeting following the deadline. Recipients will be notified no later than 90 days after deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

### §717. Reporting Requirements

A. Grantee must submit a final report which includes a complete financial statement reflecting actual income and expenditures of the program/project.

B. Grantee must submit a written statement evaluating the project.

C. Grantee must submit a copy of printed program which includes credit as follows: This program/project funded (or funded in part) by the Louisiana Black Culture Commission/Division of Black Culture, Office of Cultural Development, Department of Culture, Recreation and Tourism.

D. Copies of promotional material, media announcements/articles, programs and black and white photographs of program/project must be included in the final report.

E. The final report must be prepared by the recipient and submitted to the Division of Black Culture, no later than 30 days following completion of the funded project.

F. Members of the Louisiana Black Culture Commission and the staff of the Division of Black Culture shall be permitted to attend programs funded through the Division of Black Culture, free of charge, for review purposes.

G. Grantee must submit black culture survey forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

## Chapter 9. Divisions of Archaeology and of Historic Preservation

### §901. Generally

The following rules governing the State Capitol Historic District, pursuant to Act Number 650 of the 1979 Louisiana Legislature, are hereby adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

### §903. Interpretation of Provisions of Act Number 650 of the 1979 Louisiana Legislature

A. Existing Structures within the State Capitol Historic District. All alterations, additions or renovations, both interior and exterior, shall be determined in the professional judgment of the Divisions of Archaeology and Historic Preservation to be in conformance with the recommendations published in *The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards* before a certificate of appropriateness can be issued.

B. New Structures or New Construction within the State Capitol Historic District. All plans for the exterior of new structures or for the exterior of new construction of any type must be determined, in the professional judgment of the Division of Historic Preservation, to be compatible with and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

C. Landscaping within the District. All and any alteration to the existing grounds of the district must be found in the professional judgment of the Divisions of Archaeology and Historic Preservation, to be compatible with, and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

D. Furnishings, Furniture and Art Objects of Historic Significance located within the District. All interior

furnishings, furniture and art objects of historic significance must be found, in the professional judgment of the Division of Historic Preservation, to be used, repaired, restored, or altered in sympathy to each item's artistic, historic, or cultural integrity and value. Standard and current professional reference works will be used by the Division of Historic Preservation to make recommendations and decisions before a certificate of appropriateness can be issued.

E. Archaeology within the District. All or any excavation or moving of earth, rock or subsoil or rearrangement of the grounds within the district shall be done in a manner which, in the professional judgment of the Division of Archaeology, is compatible with and sympathetic to a policy of preservation of historical and archaeological cultural resources before a certificate of appropriateness can be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

### §905. Procedure

A. All applications for a certificate of appropriateness shall be due in the Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804, (504)342-8200, on or before the 10th day of each month, or the preceding working day if the 10th falls on a weekend or holiday.

B. Notices of public hearings as required by R.S. 25:785(C) shall appear in the official journal of the state of Louisiana on the last Wednesday of every month.

C. The public hearings required by R.S. 25:785(C) shall be held on the first Wednesday of every month.

D. The decisions on the applications submitted to the Office of Cultural Development shall be rendered within 14 days of the date of the hearing at which the application has been reviewed, as required by R.S. 25:785(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

### §907. Applications and Requirements

The following items shall be provided to the Divisions of Archaeology and Historic Preservation as part of the application:

- 1.a. Building exteriors and landscaping:
  - i. blue-line drawings;
  - ii. elevations;
  - iii. plans and specifications;
  - iv. complete, written description of the project;
  - v. location within the district.

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b. This provision applies to existing historic structures and sites within the district and in addition to any new construction in the district.

2. building interiors of historic structures and furnishings, furniture and art objects of historic significance within the district:

a. blue-line drawings of alterations if available;

b. complete, written description of project to be undertaken with the area or the furnishings, furniture or art objects to be redesigned, renovated or altered clearly stated;

c. current photographs of affected features.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

# Title 25

## CULTURAL RESOURCES

### Part III. Office of State Museums

#### Chapter 1. Public Access

##### §101. Hours of Operation

The Louisiana State Museum buildings will be open to the public from 10 a.m. to 6 p.m., Tuesday through Sunday. This includes the Cabildo, Presbytere, Old U.S. Mint, and the 1850 Historic House. The Historical Research Center is open 8:30 a.m. to 4:45 p.m., Monday through Friday. This is our current policy, and makes void any conflicting rule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:342-348.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation, and Tourism, Office of State Museum, LR 11:684 (July 1985).

##### §103. Building Rental Policy

The Louisiana State Museum is responsible for the preservation and maintenance of the historic buildings placed in its care and the irreplaceable collections items contained within these buildings. In order to meet this responsibility, the Board of Directors of the Louisiana State Museum has adopted the following policy for use of the Museum's facilities for functions or events not sponsored by the Louisiana State Museum.

1. Requests for Usage. Requests for the use of State Museum buildings will be considered from:

a. nonprofit organizations with purposes similar to the educational and historical museum purposes of the Louisiana State Museum;

b. official governmental agencies for governmental functions or events;

c. groups or companies whose proposed usage does not involve merchandising or political promotion or fundraising and whose usage is, in the opinion of the Museum Board of Directors, not in conflict with the purpose of the Louisiana State Museum. Certain types of parties, such as wedding receptions, retirement parties and private individual parties are usually of a nature that could cause damage to the Museum buildings and/or the irreplaceable collections items within the buildings, therefore these types of functions/events will normally not be approved.

##### 2. Procedures

a. Requests will be considered from:

i. eligible organizations/agencies/groups/companies for receptions and similar functions numbering no more than 500 persons and occurring during nonpublic hours (after 5:30 p.m.);

ii. eligible organizations/agencies/groups/companies for business meetings, lectures, and/or slide presentations numbering no more than 200 persons and occurring during nonpublic hours;

iii. eligible organizations/agencies, groups for business meetings, lectures and slide presentations numbering no more than 100 persons and occurring during public hours.

b. The maximum capacity for the State Museum buildings is as indicated:

Building	Capacity Using Entire Building
Cabildo	500 persons
Presbytere	500 persons
Old U.S. Mint	500 persons
Madame John's Legacy	200 persons
The Arsenal	200 persons
Wedell-Williams Aviation Museum	200 persons
Natchitoches Old Courthouse Museum	200 persons

c. The director of the State Museum is authorized to approve usage of museum buildings within the provisions of this policy, in addition to all museum-sponsored programs/functions/activities.

d. Requests for usage of the buildings that do not clearly come within this policy will be submitted to the State Museum Board of Directors, Executive Committee for a recommendation for final action by the Board of Directors.

e. The Museum Board of Directors will deny an application if, in the board's opinion, the proposed usage would endanger the museum's building and/or collections, or interfere with its exhibitions and/or other programs/activities.

f. The Museum Board of Directors may waive the donation portion when the board determines that to do so would be in the best interest of the museum. However, the base service charge fees will not be waived for non-museum functions.

g. The host organization must make arrangements with the caterer of their choice, however, the museum reserves the right to reject caterers that do not comply with the museum's instructions concerning proper care of Museum facilities. The museum does not provide or recommend catering services.

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h. All building usage requests must be submitted in writing (at least 30 days prior to the date of the function is preferred) to allow for proper planning, coordination, and completion of all required paperwork, including but not limited to the required written agreement.

i. All rentals will be based on a written agreement which will specify all costs and fees, arrangement requirements, and the specific space to be used in the specified building. Certain spaces in each building may be designated as being not available for rental use. The agreement must be completed and signed by both the designated representative of the museum and the renting organization/group, at least 10 days prior to the date of the function.

j. The base service charge fees are established based on the costs of all security, custodial, utilities, and administrative support required to service previous functions of the same size.

NOTE: The State Museum may, at its discretion, make additional charges based on the nature of the requested function and/or additional requirements, as agreed upon. Such additional charges will be included in the written agreement.

k. The museum will not remove collections/exhibition items to accommodate the host organization.

l. Smoking is prohibited in all museum buildings.

m. The host organization/agency will designate an authorized representative to be present at the function and to have decision-making authority. This representative will be responsible for all coordination with the State Museum.

n. If, after the completion of the function, the actual number of persons in attendance exceeded the planned number, or the time and space used was greater than planned, the host organization will be billed for the additional fees in accordance with the provisions of this policy.

o. A deposit of not less than 50 percent of the total indicated in the written agreement will be paid by the host organization to the museum at least one week prior to the date of the function. The balance and any additional charges required will be payable upon billing by the museum.

p. Host organizations will be charged the total costs involved in any repairs necessary to the museum building, collections, or exhibitions that are the result of the function. These charges will be in addition to all other charges and fees and will be payable immediately.

q. A function which requests the closing of any portion of the museum building prior to its normal closing time will be charged an additional \$250 per hour for the period closed. This request must be agreed to in advance by the museum director and be in the written agreement, otherwise it will be considered as disapproval of the request.

r. The museum does not provide special equipment or tables for a sit-down type dinner or other after hours events.

3. Rates. Established rates apply to the buildings as indicated. Only buildings that are open to the public and/or available for use at the time of the request will be considered.

a. Donation. All applicants eligible under ' 103.A.1.c (except those requesting use of space for business meetings, lectures, or slide presentations) will donate a gift to the Louisiana Museum Foundation fund designated for use by the Louisiana State Museum for endowment, education, acquisition, publications, conservation and building function support purposes. Expenditure of these funds generated by these donations shall be subject to approval by the Joint Legislative Committee on the Budget, prior to such expenditures. Donations will be in accordance with the following schedule:

Location	Building	Rate (3 hours)	Each Additional Hour
New Orleans	Cabildo	\$4,000	\$1,000
New Orleans	Presbytere	4,000	1,000
New Orleans	Old U.S. Mint	3,000	1,000
New Orleans	Arsenal	1,500	500
New Orleans	Madame John's Legacy	1,500	500
Patterson	Wedell- Williams Aviation Museum	1,500	500
Natchitoches	Old Courthouse Museum	1,500	500

NOTE: Time will be rounded to the next quarter hour for determination of donation requirements above the initial three-hour gift rate.

b. Base Service Charge Fees **Call Buildings**

i. Business meetings, lectures, slide presentations:

(a). 9 a.m. - 5 p.m., maximum 100 persons, 1 - 4 hours, \$100; 4 - 8 hours, \$200.

(b). After 5 p.m., maximum 200 persons;

Guests	1st Hour	Each Additional Hour
1 - 100	\$200	\$100
101 - 200	300	150

NOTE: Minimum of one hour for business meetings, lectures, slide presentation, both ' 103.A.3.b.i.(a) and (b) above.

An additional cleaning and repair fee of \$100 during public hours and \$300 during nonpublic hours will be charged for costs involved in preparation and post-function requirements.

ii. **Receptions and Similar Functions.** After 5 p.m., maximum 500 persons (see building capacities above), minimum of one hour:

<b>Guests</b>	<b>1st Hour</b>	<b>Each Additional Hour</b>
1 - 200	\$300	\$150
201 - 300	400 (both floors)	200
301 - 500	450 (both floors)	300

An additional cleaning repair fee of \$300 will be charged for costs involved in preparation and post-function responsibilities.

iii. **Sit-Down Dinner.** After 5 p.m., maximum 75 persons:

<b>Guests</b>	<b>1st Hour</b>	<b>Each Additional Hour</b>
1 - 25	\$200	\$100
25 - 50	400	200
51 - 75	600	300

An additional cleaning repair fee of \$500 will be charged for costs involved in preparation and post-function requirements.

All sit-down dinners must be catered to include waiters serving dinners to each table. The ratio of waiters to diners must be at least 1 to 15.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:342.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:683 (July 1985), amended LR 13:83 (February 1987), LR 16:295 (April 1990), LR 20:783 (July 1994), LR 24:2233 (December 1998).

#### **§105. Admissions Fees**

A. Admission fees for single admissions to the Louisiana State Museum buildings are as indicated:

<b>Building</b>	<b>Location</b>	<b>Adult Single Building</b>	<b>Student, Senior Citizen, Active Military, Single Building</b>	<b>12 years of Age and Under</b>
Cabildo with Arsenal	New Orleans	\$5	\$4	Free
Presbytere	New Orleans	5	4	Free

Old U.S. Mint	New Orleans	5	4	Free
1850 House	New Orleans	3	2	Free
Madame John's Legacy	New Orleans	3	2	Free
Wedell-Williams Aviation Museum	Patterson Branch	3	2	Free
Old Courthouse	Natchitoches Bridge	3	2	Free

B. Combination admissions may be purchased by selecting two or more buildings, to which a 20 percent discount will be applied. Visitor may select from any New Orleans listings.

C. Special or group tour rates and requirements for Louisiana State Museum buildings are as indicated:

1. There must be a minimum of 15 persons in the group or tour which are old enough to require an admissions fee.

2. Groups/tours should make advance arrangements by calling the following telephone numbers:

New Orleans (504) 568-6968 or 1-800-568-6968

Patterson (504) 395-7067

Natchitoches (318) 357-2270

3. Groups/tours which meet the criteria in ' 105.C.1 will be discounted by 20 percent from the appropriate single building rate.

#### **D. School Groups**

1. Must be affiliated with a recognized public or private school system.

2. Must be accompanied by at least one chaperon per every 10 children as a minimum, these chaperons will be admitted free, up to one per every five children. Additional chaperons will be required to pay the admission fee.

3. Prefer advance arrangements be made to accommodate scheduling. For advance arrangements, call:

New Orleans (504) 568-6968 or 1-800-568-6968

Patterson (504) 395-7067

Natchitoches (318) 357-2270

4. School groups admitted free when criteria in ' 105.D.1 and 2 are met.

E. Visitors may choose from any/all museum buildings which are open to the public on the date of the visit.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 12:89 (February 1986), amended LR 13:85 (February 1987), LR 20:784 (June 1994), LR 24:2235 (December 1998).

### **Chapter 3. Accessions, Deaccessions and Loan Policy**

#### **§301. Accessions Procedures**

A. The Board of Directors of the Louisiana State Museum, acting under R.S. 36:201 is responsible for the acquisition, deaccessioning and loans of materials that are part of the museum collections.

1. The Louisiana State Museum maintains an Accessions collection and an Education collection.

a. Accessions collection will be only those collections related directly to the museum's stated purpose, subject to the concerns and protection of collections care regulated by policy and law. Materials placed in the accessions collection become part of the permanent collection.

b. Education collections supplement the primary collections goal of the museum, support the research and educational functions of the museum but do not become part of the permanent collection.

2. Donors must be apprised in which category the artifact is to be classified and the terms and conditions of that category before transfer of title.

3. Proffered objects will be examined and evaluated as to condition, pertinency and/or duplication to the collection and the ability to provide proper storage and conservation of the object. Outside expert opinion may be secured as necessary. The museum professional staff will make a recommendation to the museum director who will make a recommendation to the Accessions Committee. The recommendation may be to reject the object, determine it appropriate for the education collection, or recommend that the object be accepted into the accessions collection.

4. The Accessions Committee meets on an established schedule. The committee receives recommendations, examines and evaluates objects and makes recommendations to the Board of Directors of the Louisiana State Museum.

5. The Board of Directors receives the committee recommendations and determines acceptance or rejection of the object.

6. If approved by the Board of Directors, the donor is issued a permanent receipt and the object is accessioned into the accessions collection. If not approved, the object is returned to the owner.

7. All donations to the Louisiana State Museum are considered outright, unconditional gifts to the people of Louisiana, unless otherwise determined by the Board of Directors at the time of accessioning.

8. The Louisiana State Museum staff will not appraise donations.

B. This rule will void any prior rule on the museum's accessions procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:684 (July 1985), amended LR 17:874 (September 1991).

#### **§303. Deaccession of Museum Collection Items**

A. The Louisiana State Museum must be able to protect and improve the quality of its collections through the exchange, transfer or disposal of artifacts. Deaccessioning is the process of permanently removing accessioned artifacts from the museum collections.

B. Artifacts in the museum's collections will be deaccessioned only if they have lost their physical integrity, usefulness, authenticity, or relationship to the museum's purposes.

C. Museum artifacts are state property and will be disposed of in compliance with appropriate state regulations and established museum collections policy.

D. No object may be deaccessioned less than two years after its acquisition by the museum.

E. Procedure

1. Proposals to deaccession collection materials shall be made by the museum professional staff to the museum director who will make a recommendation to the Accessions Committee.

2. The Accessions Committee receives recommendations, evaluates the proposal and makes a recommendation to the Board of Directors of the Louisiana State Museum.

3. The Board of Directors shall accept or reject the recommendation of the Accessions Committee. Acceptance of the recommendation to deaccession will require a majority vote of those board members voting.

F. Deaccessioned objects shall be disposed of by one or more of the following methods, in accordance with all state and federal regulations:

1. exchanging, exclusively with non-profit institutions, for objects of equal or greater monetary or historical value;

2. transfer to a non-profit institution or state agency;

3. the sale of objects only through competitive means where the museum's identity may or may not remain anonymous;

4. destruction of deaccessioned objects which are of a hazardous nature or in a state of deterioration beyond redemption;

5. transferral of the object to the Museum's educational collection.

G. Deaccessioned objects shall not be non-competitively transferred by any means to Louisiana State Museum



employees, volunteers, members of the Museum Board, members of a museum support organization or other affiliated associations, their families or representatives.

H. However, anyone may participate in an approved public sale which complies with established museum collections policy and current museum ethics as published by the American Association of Museums.

I. This rule will void any prior rule on deaccession of museum collections items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:345 and R.S. 9:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:684 (July 1985), LR 12:89 (February 1986), LR 17:875 (September 1991).

### **§305. Loan Policy**

The Louisiana State Museum transacts both outgoing and incoming loans.

1. **Outgoing Loans.** The Louisiana State Museum Board will lend objects from the collections of the Louisiana State Museum to public and private organizations. Such loans must be for specified public purposes and for a specified period not to exceed three years, which may be renewed by the board. All loan requests will be submitted through the museum director to the Accessions Committee of the Board of Directors of the Louisiana State Museum which will review the condition of the objects requested, the exhibition and research needs of the Louisiana State Museum, the purposes for which the objects are being requested, the professional standards and capabilities of the borrowing organization, and the ability of the borrowing organization to properly care for the objects requested. All requests for loans must be made in writing and signed by the legal authority responsible for the organization making the request. The board reserves the right to decline loans when, in its judgment, the loan would not be in the best interest of the objects requested, or the museum. All loans must be insured by the borrower at a value established by the museum and a certificate of insurance provided to the museum prior to transfer.

a. **Care and Preservation.** The borrower must demonstrate understanding of appropriate environment, exhibition and security standards for the requested loan object. The loan objects shall not be cleaned, repaired, retouched or altered in any way without written permission from the Louisiana State Museum. The Louisiana State Museum must be notified immediately if the loan object is damaged or stolen. Museum artifacts on loan may not be lent to a third party or moved to another location without authorization from the museum. The completed loan agreement must be signed by the borrower or his representative. If the borrower removes the loan object from exhibit prior to the expiration of the loan period, the object will be immediately returned to the Louisiana State Museum.

b. **Transportation and Packing.** Items to be loaned shall be prepared for transport as determined appropriate by the museum registrar. The object(s) shall be returned to the museum in the same manner unless otherwise stipulated upon by both parties.

c. **Expenses.** All expenses incurred in connection with a loan will be borne by the borrower unless otherwise agreed upon by both parties.

d. **Publicity and Photography.** Permission for the reproduction (including photo reproduction) of the borrowed works for any purpose must be obtained from the museum. Each borrowed artifact must be credited to the Louisiana State Museum according to the credit line as provided. The borrower will give the museum two copies of any catalogue or publication associated with the exhibition or educational program.

e. **Loans to State Officials.** The Louisiana State Museum Board will consider requests for loans of materials from the State Museum collection to the governor's offices in the State Capitol, the governor's mansion, and other official offices of the governor. The Louisiana State Museum Board will also consider loans to the official offices of the following public officials: statewide elected officials; president of the Senate; speaker of the House; secretary of the Department of Culture, Recreation and Tourism; chief justice of the Supreme Court of Louisiana. All such loans must meet the following criteria:

i. Requests for loans must be made in writing to the director specifying the materials requested. All requests must be signed by the elected or appointed official for whose office the request is made.

ii. The Museum Board will consider only requests for loans to be placed in public offices which are located in public buildings.

iii. Loans will be made of only those materials that are not on exhibition or that are not utilized for research or scheduled exhibitions.

iv. Loans will be made of only those materials that are in sound physical condition.

v. All loans must meet the requirements specified in the museum's regular loan agreement policy and will be for a period of one year. Such loans may be renewed for 12Bmonth periods, but not to exceed the term of office of the elected or appointed official.

vi. In determining a loan request, the State Museum Board will consider the safety and conservation of the requested objects and may deny a request for reasons of security or conservation.

vii. All loan materials will be considered available for recall by the Louisiana State Museum for purposes of exhibition, conservation, and research.

viii. The Louisiana State Museum will inspect loan materials annually and may, at its discretion, recall a loan

## CULTURAL RESOURCES

item or replace a loan item with another item from the museum's collection.

ix. All loans except those to the governor's offices and mansion must be insured by the borrower at a value established by the Louisiana State Museum Board. The museum must be presented with a Certificate of Insurance before physical transfer is made to the borrower.

x. The status of all loans made under this policy will be reported to the Louisiana State Museum Board annually.

xi. All expenses for framing, matting, or other incidental expenses related to loans, except for those loans to the governor's offices and to the governor's mansion, will be the responsibility of the borrowing elected or appointed official.

xii. All preparation, framing, matting, packaging and handling will be under the exclusive supervision and control of the Louisiana State Museum. Materials are released to the borrowing elected or appointed official upon satisfactory completion of loan forms and receipt by the Louisiana State Museum of a Certificate of Insurance for loan materials (except for those materials in the governor's offices and the governor's mansion), at values established by the Louisiana State Museum.

### 2. Incoming Loans

a. The Louisiana State Museum Board may borrow material for exhibition and other special purposes such as research or public presentation for a specified period of time not to exceed three years, subject to renewal.

b. The Museum Board will make a determination of loans on an individual basis and may apply conditions to the loan.

c. The following requirements will apply to all loans to the Louisiana State Museum:

#### i. Care and Handling

(a). Objects loaned to the museum will receive the same degree of care given to objects owned by the museum. (If possible, objects will be photographed upon receipt.) The condition of the loan objects will be established in writing prior to the loan. Evidence of damage to objects at the time of receipt or while in the museum's custody will be reported immediately to the lender. No alteration, restoration or repair to objects will be undertaken without the written authorization of the lender. The Louisiana State Museum will not be responsible for natural deterioration or damage accrued by Acts of God for items on loan. The loan agreement will be signed by both parties.

(b). Costs of transportation and packing will be borne by the museum unless otherwise stated. The method of shipment must be agreed upon by both parties.

ii. Insurance. The museum will insure the loaned items under its blanket fine arts policy subject to the standard exclusions for a fair and reasonable amount specified on the face of the loan agreement while in transit

and on location during the period of the loan. The lender agrees that, in the event of loss or damage, recovery shall be limited to such amount as may be paid by the insurer, thereby releasing the museum from liability for all claims arising out of such loss or damage.

iii. Publicity and Photography. The museum will comply with the lender's policy regarding the photographing and copying of objects on loan. Publicity and exhibition labels will credit lenders according to the agreement.

#### iv. Return of Loans

(a). Unless renewed, loans will be returned to the lender within 30 days of the expiration of the loan period. The museum will not be responsible for the conservation or restoration of loan materials unless in agreement with the lender.

(b). Failure by the lender to withdraw or retrieve a loan at the agreed time will require the museum to initiate procedures regarding abandoned property as specified in R.S. 25:345 (C).

(i). Any property which has been deposited with the Louisiana State Museum, by loan or otherwise, and which has been held by the museum for more than 10 years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 or Title XII of Book III of the Louisiana Civil Code, shall become the property of the museum, provided that the museum has complied with the following provisions:

(ii). At least once a week for two consecutive weeks, the State Museum shall publish in at least one newspaper of general circulation in the parish in which the particular museum facility is located a notice and listing of the property. The notice shall contain: 1. the name and last known address, if any, of the known owner or depositor of the property; 2. a description of the property; and 3. a statement that if proof of claim is not presented by the owner to the museum and if the owner's right to receive such property is not established to the satisfaction of the museum within 65 days from the date of the second published notice, the property will be deemed to be abandoned and shall become the property of the State Museum.

(iii). If no valid claim has been made to the property within 65 days from the date of the second published notice, title to the property shall vest in the State Museum free from all claims of the owner and all persons claiming through or under him.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:201.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:518 (May 1985), LR 17:875 (September 1991).

## Chapter 5. Small Museum Matching Grant Program in the State Museum

### §501. Policy for Administration of the Program

A. A small museum matching grant program was established within the Louisiana State Museum by Section 15 of Act 19, the General Appropriations Act of 1998, Regular Session.

B. This program is limited annually to only those funds appropriated by the Legislature within the State Museum budget which are specifically included for this grant program and are so designated for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:000 (February 1999).

### §503. Eligibility Requirements

A. Small museums throughout the State of Louisiana may apply for a grant based on a one-to-one match in accordance with the guidelines below.

1. Eligibility is restricted to museums with documented total annual operating budgets of less than \$100,000 from all sources of income.

2. Eligible museums must be open to the public a minimum of twenty (20) hours per week, have a permanent staff operating the museum, and have collections and/or offer exhibitions that pertain to Louisiana culture, heritage and history.

3. Grants will be limited to not more than \$40,000 per museum per year.

4. Each recipient must match the grant from the state on a one-to-one basis, although documented and measurable in-kind services may be substituted for cash.

5. Such grants *may not* be used for operating support but are limited to care of collections, educational programs, or exhibits.

6. No museum may be eligible for an additional grant until all reporting/accounting and other requirements for a previous state grant have been successfully completed and submitted.

7. Only one grant per parish may be awarded annually through this program.

8. State-operated museums *are not digible* for this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:000 (February 1999).

### §505. General Guidelines

A. The program year will be the State's fiscal year for the purposes of appropriations by the Legislature for the program.

B. Small museums receiving grants will have one year from the date of the award to complete their program and submit a final report.

C. Grant recipients must comply with all State laws, rules and requirements for expenditure of State provided funds.

D. The initial application will fully describe the program, its objectives, performance indicators to measure the success of the program, and a complete breakdown of the funds required, how they are to be used, and the one-to-one match in cash or in-kind services. The application must show how the program relates to care of collections, educational programs, and/or exhibitions, and explain the benefits to the people of Louisiana.

E. Each grant recipient will submit quarterly reports which outline their compliance with the program as submitted and to applicable state laws, rules and requirements regarding accountability of state funds.

F. Each program must be completed within one year of the date of the grant award. A final report will be submitted to the Department of Culture, Recreation and Tourism, Office of Management and Finance, citing program success as measured against the initial performance indicator projections. A copy of all reports must be provided to the State Museum.

G. Museums failing to comply with these grant guidelines will be ineligible for additional grants.

H. The State Museum Statewide Curator will visit with and assist each grant recipient during their grant cycle.

I. The Department of Culture, Recreation and Tourism, Office of Management and Finance shall have oversight responsibility to ensure fiscal reliability and that all guidelines and State requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:000 (February 1999).



# Title 25

## CULTURAL RESOURCES

### Part V. Office of Tourism

#### Chapter 1. Guidelines for Act Matching Funds Program

##### §101. Purpose

The Act 455 Matching Funds Program is designed to support and enhance the advertising and promotional endeavors of the Louisiana Tourism industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

##### §103. Eligibility

A. Organization Eligibility. Any organization that is legally domiciled in Louisiana and qualifies because:

1. It is a nonprofit organization in possession of a determination letter from the Internal Revenue Service (IRS) declaring the organization exempt from federal income tax under Section 501(C) of the Internal Revenue Code. Applicant organizations are required to submit a copy of their IRS determination letter with their application if not filed with the Office of Tourism since July 1, 1985.

2. It is an agency of local, parish or state government, such as municipal governmental units and parish police juries.

3. It is an applicant that can show proof of having matching funds dedicated. Such documentation shall be attached to the application.

B. Project Eligibility. An organization's project is eligible if:

1. the project's purpose is to advertise and promote tourism in Louisiana;

2. the tourism project takes place between July 1 of the year the application is submitted and June 30 of the next calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

##### §105. Matching Requirements

All grants are to be matched on a dollar-for-dollar cash basis. No in-kind services may be used for matching purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

##### §107. Evaluation Criteria

All applications submitted under this program will be evaluated by the criteria listed here:

1. extent to which the project meets the objectives and strategies of the master plan developed by the Louisiana Office of Tourism;

2. extent to which there is a defined tourism development;

3. degree of outreach to expand public awareness and involvement in tourism;

4. the degree of planning reflecting broad-based participation by the members of the organization and the community in the development and design of the proposed project as evidenced in the application;

5. the extent to which the project is designed to attract visitors to the area or attraction;

6. potential benefits to the Louisiana tourism industry;

7. potential benefits to the applicant organization;

8. clarity of what is to be accomplished;

9. effectiveness of proposed plan for implementing project;

10. means of evaluating effectiveness in terms of stated objectives;

11. extent to which there is a defined need for financial support;

12. appropriateness of proposed budget;

13. ability of applicant organization to administer potential grant based on quality and completeness of application;

14. past record of administrative cooperation and compliance with requirements and guidelines of the Act 455 Matching Funds Program;

15. the degree to which the project combines attractions, regions, and organizations;

16. the extent to which unique marketing approaches are applied;

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§109. How to Apply**

Applications (original plus six copies), together with a copy of the IRS determination letter and document showing proof of matching funds must be submitted to:

1. Economic Development Districts (EDDs) in which the project is located; or
2. Office of Tourism (Box 94291, Baton Rouge, LA 70804-9291, Attention: Act 455 Program) if the project overlaps EDD boundaries (i.e., statewide organizations or regional groups crossing EDD boundaries, commonly referred to as "non-EDDs").

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§111. Application Deadline**

All applications submitted under this program must be received by the close of business of February 15 of each year. Should February 15 fall on a weekend or legal holiday, applications must be received by the close of business on the following workday. Late applications will be ineligible and returned to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§113. Grant Award Notification**

Notification of grant awards will be made no later than July 15 of each year. Grants will take effect upon receipt of the fully executed grant agreement by the Office of Tourism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§115. Payment Process**

Grants will be reimbursed on a 50 percent basis in accordance with the payment procedure outlined in the grant agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§117. Reporting Requirements**

During the duration of grant projects, grant recipients must submit quarterly progress reports to the Office of Tourism on October 1, January 1, and April 1 of the fiscal year. One final report must be submitted to the Office of Tourism no later than 30 days after the project is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

**§119. Review Process**

Applications for financial assistance under the Act 455 Matching Funds Program go through an extensive review process. Applications are submitted to either the economic development district (EDD) office in which the proposed project will take place, or directly to the Office of Tourism if the project will overlap EDD boundaries. Applications received by EDDs are reviewed by the EDDs before they are forwarded to the Office of Tourism. All applications are screened for eligibility by the Office of Tourism. Eligible applications are then reviewed by the Act 455 Matching Funds Committee of the Louisiana Tourism Development Commission. The Act 455 Matching Funds Committee may entertain oral presentations by EDDs and non-EDD applicants as part of their review process. Upon completion of their review, the Act 455 Matching Funds Committee submits its funding recommendations to the Louisiana Tourism Development Commission. The full commission then convenes in one of its full public meetings to review and make recommendations to the secretary of the Department of Culture, Recreation and Tourism on the administration and award of Act 455 matching funds in accordance with Act 688 of 1983 [R.S.51:1257(B)(1)]. All applicants are then notified in writing of the final grant awards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

## **Chapter 3. Placement of Litter Receptacles**

**§301. Purpose**

By provision of Act 936, the Louisiana Litter Control and Recycling Commission has been delegated authority to conduct a permanent and continuous program to control and remove litter from the state to the maximum extent possible. The purpose of these rules is to provide minimum standards for litter receptacles throughout the state, pursuant to the authority set forth in R.S. 25:1110 et seq. as amended by Act 936 of the 1987 regular session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

**§303. Definitions**

The following words and phrases as used herein have the following meanings unless context clearly dictates otherwise:

*Anti-litter Symbol* the standard symbol adopted by this commission.

*Department* the Louisiana State Department of Culture, Recreation and Tourism.

*The Commission* the Louisiana Litter Control and Recycling Commission.

*Litter* waste materials including, but not limited to, disposable packages or containers susceptible to being dropped, deposited, discarded, or otherwise disposed of upon any property in the state, but not including wastes of primary processes of manufacturing, farming, sawmilling, logging, mining, etc.

*Litter Receptacle* a container of not less than 15 gallons constructed, appropriately marked, and placed for use as a temporary depository for litter. Any containers, commonly referred to as "dumpsters," and any garbage receptacle for deposit of litter for single or multi-family residences may be used and shall in no way be governed by these rules.

*Person* shall mean any industry, public or private corporation, partnership, association, firm, individual, or other entity whatsoever.

*Public Place* any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including indoor areas. Any indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§305. Responsibility to Procure and Place Litter Receptacles**

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by these rules and regulations to procure, place and maintain such receptacles at their own expense on the premises in accordance with the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§307. Litter Receptacles: Where Required and Number Required**

Litter receptacles meeting the standards established by these rules shall be placed in the following public places in the state. No variance from the provisions of these rules and regulations shall be allowed except upon the express permission of the Louisiana Litter Control and Recycling Commission. Notwithstanding the minimum requirements of

these rules and regulations, any public place in which litter receptacles meeting the standards of these rules are required, that is found to have an accumulation of uncontained litter under circumstances that the person responsible for placing receptacles could have reasonably anticipated the amount of litter shall be deemed to have an insufficient number of receptacles and to be in noncompliance with these rules.

1. At public rest areas located along highways outside the limits of incorporated cities and towns one receptacle for every 20 parking spaces.

2. Each new home, commercial and industrial construction site shall have a minimum of one receptacle per site plus additional receptacles as necessary to contain litter generated by workers. The need for additional receptacles shall be determined by the general contractor.

3. Parks, campgrounds, and trailer facilities for transient habitation (excluding facilities operated by the Office of State Parks) one receptacle at each public restroom facility, one at each trailhead giving access by foot, motorcycle, bicycle allowing excursion out of the central activity area. One for each facility or area at which food or drink is sold; plus one receptacle as necessary to accommodate the need for a litter depository as determined by the operator of the facility.

4. Drive-in and fast food restaurants, tavern parking areas, and convenience "quick stop" parking areas one receptacle per establishment plus additional receptacles as necessary to contain litter generated by the facility. The need shall be determined by the operator of the facility.

5. Shopping centers, theaters, merchandise stores, grocery and drug store parking areas having a minimum of 15 parking spaces shall provide one receptacle, and, thereafter there shall be an additional receptacle for every 150 spaces in excess of 50.

6. Gasoline service stations one receptacle placed at each gasoline service island, with a minimum of one receptacle for each side of station on which gasoline pumps are located.

7. Marinas, boat launching areas, boat moorage and fueling stations, and public and commercially operated private piers one receptacle at each such place; or one receptacle for every 15 slips; or one receptacle for every 100 linear feet of dock space.

8. Ferry landings one receptacle on each side of dock areas, plus one receptacle for every 50 automobile spaces in parking areas adjacent to ferry dock.

9. Beaches and swimming areas one receptacle at each public restroom facility and one at each access point officially designated as such by the primary jurisdictional authority.

10. Hunting, fishing, and other sports areas having unmarked automobile, boat trailer, or travel trailer spaces for parking shall have a minimum of one receptacle and

thereafter there shall be an additional receptacle for 20 parking spaces.

11. Outdoor parking lots, temporary or otherwise, other than those specified above having a capacity of more than 50 automobile or vehicle parking spaces ~~Cone~~ receptacle for every 150 parking spaces.

12. Fairground and festival areas, circuses, and other short-term events to which the public is invited ~~Cone~~ receptacle for every 200 feet of foot path or sidewalk and one receptacle for every 15 parking spaces, thereafter there shall be an additional receptacle for every 150 automobile parking spaces and one receptacle for every public restroom facility.

13. Racetrack and other sporting event site ~~Cone~~ receptacle for every 15 automobile parking spaces and one additional receptacle for every 150 automobile parking spaces: one receptacle for each entrance and exit; one receptacle at each public restroom facility.

14. Business district sidewalks of incorporated cities and towns ~~Cone~~ receptacle on each side of the street per block.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§309. Minimum Standards**

Litter receptacles procured and placed in public places as required by these rules and regulations shall meet the following minimum standards.

#### **1. General Specifications**

a. The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will withstand normal wear and tear, reasonably resist corrosion and acts of vandalism.

b. Receptacles should be constructed, covered, or used in such a manner as to prevent, or preclude, the blowing of litter from the receptacle.

c. Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.

d. Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health or welfare.

#### **2. Color and Marking**

a. The entire outer surface of each litter receptacle shall be white, navy blue, dark brown, or tan, if painted, however, if construction consists of aggregate concrete or wood, the natural color is acceptable.

b. Each litter receptacle shall bear the official antilitter symbol as adopted herein. The symbol shall be

colored medium blue, bright gold and white. The symbol shall not be distorted as to proportion and shall not be incorporated into a commercial advertisement on the receptacle. The symbol shall be a uniform size of 10 inches in width and 12 inches for side mounting or 4 inches in width and 5 inches in height for top side mounting constructed from heat-activated materials designed for outside use.

c. Underground receptacles installed with foot pedal lids are exempt from logo requirements.

d. No commercial advertisement shall be placed on any litter receptacle within 8 inches of the official logo. However, the person owning any receptacle may place a single line on the receptacle identifying his ownership, and a single credit line designating any donor of the litter receptacle other than the owner himself. That lettering may not exceed 1/2 inch in height and may not interfere with or distract from the prominence of the antilitter symbol.

#### **3. Maintenance**

a. Compliance with these minimum standards shall include proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be in violation of these minimum standards.

b. Whenever litter receptacles are placed in any public place other than where required by these rules and regulations, such receptacles shall conform to the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§311. Antilitter Symbol**

The official state anti-litter symbol shall be the symbol depicted in these rules conforming to that same symbol in present use on Adopt-A-Road highway litter watch signs erected on Louisiana highways. A limited number of these decals will be available from the Louisiana Litter Control and Recycling Commission. After that number is depleted decals may be purchased from any on a list of suppliers available from the office of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§313. Prohibited Acts**

A. No person shall damage, deface, abuse or misuse any litter receptacle not owned by him so as to interfere with its proper function or to deface from its proper appearance.



B. No person shall deposit leaves, clippings, prunings, garden refuse, or any other yard waste in any public litter receptacle.

C. No person shall deposit household garbage in any litter receptacle: provided, that this Subsection shall not be construed to mean that wastes of food consumed on the premises or in an automobile or other vehicle at any public place may not be deposited in litter receptacles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§315. Penalties**

Penalties for violation of this Chapter shall be in accordance with R.S. 25:1111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

### **§317. Effective Date and Compliance**

A. These rules become effective on final publication in the *Louisiana Register*.

B. All litter receptacles in any public place designated in these rules and regulations which are placed after the effective date hereof shall conform to the provisions of these rules and regulations.

C. Litter receptacles in any public place designated in these rules and regulations which were in place prior to the effective date hereof shall be modified to conform with marking, placement and color requirements of these rules and regulations no later than six months from the effective date specified above.

D. All litter receptacles in any public place designated by these rules and regulations shall be modified or replaced so as to fully conform with all requirements of these rules and regulations no later than one year from effective date of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).



**Title 25**  
**CULTURAL RESOURCES**  
**Part VII. State Library**  
**Subpart 1. Readers' Services**

**Chapter 1. Eligible Public**

**§101. Use of Library**

Any citizen or any public, school, academic, special, or state institutional library is eligible to use without charge the library materials and services of the Louisiana State Library, as provided in these rules.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9 and R.S. 25:16.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**§103. Information and Loan**

A. Any citizen may use printed materials and receive information and reference service at the State Library.

B. Any citizen registered for library service with his local public library shall borrow State Library printed materials through his local library. Exceptions to this rule are:

1. if the State Library receives telephone or written authorization from a patron's parish library, he may borrow direct with the materials being charged to the parish library;
2. at the request of a parish library the State Library will mail materials direct to a patron of the parish library;
3. at the request of a patron who comes to the State Library, materials will be sent to his parish library for his use, except East Baton Rouge and Livingston. These parish libraries require either their telephone or written authorization;
4. at the telephone request of a patron when the need is urgent and immediate, except East Baton Rouge and Livingston, the State Library will mail books to his parish library for his use;
5. residents of St. Landry Parish outside the city limits of Opelousas and Eunice, and all residents of Morgan City may be served directly from the State Library by mail or in person because they are without local parish library service.

C. Students and faculty in institutions of higher learning, and residents and staff of other state institutions may, within the library regulation of such institutions, borrow State Library printed materials through those libraries.

D. Elementary and secondary school libraries may borrow State Library printed materials through their local public libraries.

E. Information, reference, and loan services of the State Library are available direct to:

1. state elected and appointed officials and state employees including those who are retired;
2. members of the public information media;
3. officers and employees of quasi-official agencies such as the Council for a Better Louisiana;
4. students and faculty members of the Louisiana State University Graduate School of Library Science;
5. all public, academic, special, and state institutional libraries whether in or outside of the state.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9 and R.S. 25:16.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**§105. Films and Recordings**

A. Any Louisiana adult registered for library service with his local public library shall borrow State Library films through his local library. Exceptions to this rule are:

1. Adult residents of St. Landry Parish outside the city limits of Opelousas and Eunice may borrow films directly from the State Library by mail or in person because they are without local public library service.
2. Adults registered with the East Baton Rouge Parish Library shall borrow films directly from the State Library.

B. Any Louisiana resident registered for library service with his local public library shall borrow State Library recordings through his local library. The exception to this rule is: all residents of St. Landry Parish outside the city limits of Opelousas and Eunice may borrow recordings directly from the State Library by mail or in person.

C. State Library films and recordings are available on direct loan to:

1. state elected and appointed officials and state employees including those who have retired;
2. members of the public information media;
3. officers and employees of quasi-official agencies such as the Council for a Better Louisiana;
4. students and faculty members of the Louisiana State University Graduate School of Library Science;
5. all public, academic, special, and state institutional libraries in Louisiana.

D. Films are not loaned for use in any public, private, or parochial school class or school-sponsored activity (kindergarten through grade 12). These agencies are served through the state Department of Education regional film libraries housed in the state universities, through parish school board media centers, and through other agencies.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 25:9 and R.S. 25:16.

**HISTORICAL NOTE:** Filed by the Louisiana State Library at the Office of the Register, December 11, 1974.

### **§107. Blind and Physically Handicapped**

A. Any Louisiana resident who cannot use regular printed materials because of temporary or permanent visual impairment or physical handicap may use directly the special library materials and services of the State Library's Department for the Blind and Physically Handicapped. Eligibility based on this qualification required by the federal government must be certified by a professional in the medical, social work, or educational field.

B. This service is also extended to schools, hospitals, nursing homes and other agencies having one or more eligible handicapped persons in their care.

C. Eligible Louisiana residents temporarily out of state (for not longer than three months) may continue to be served at their destination point. For longer periods, it is recommended that temporary service be applied for from the library for the blind and physically handicapped regularly serving the area of their temporary residence. United States citizens who move either temporarily or permanently overseas (including Puerto Rico, Guam and the Canal Zone) will be referred to the Library of Congress, Division for the Blind and Physically Handicapped, for service.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 25:9 and R.S. 25:16.

**HISTORICAL NOTE:** Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## **Chapter 3. Library Materials**

### **§301. Information and Loan of Materials**

Library materials available for use in the State Library or on loan and the conditions for use are:

#### **1. Books, Pamphlets, Documents**

a. All may be used in the State Library.

b. All are available for loan except volumes of expensive reference sets, the current editions of heavily used reference books, certain other reference books when needed pages can be Xeroxed, genealogy books, rare books, and books in fragile condition.

c. Loan period for materials sent to libraries or mailed directly to individuals outside of East Baton Rouge Parish is four weeks unless the State Library has other requests waiting for the same items in which case loans must be limited to two weeks. If no other requests are waiting, an extension of four additional weeks may be granted when the renewal is requested on or before the loan expiration date.

d. Loan period for materials borrowed directly by individuals from East Baton Rouge Parish is two weeks. If no other requests are waiting, an extension of two additional weeks may be granted when the renewal is requested on or before the loan expiration date.

#### **2. Magazines**

a. All may be used in the State Library and all may circulate except the current issue and those in fragile condition in which case a free Xerox copy of the desired article may be provided.

b. Loan periods and extensions are the same as for books above.

3. Newspapers. Newspapers in print may be used in the Library. Although newspapers do not circulate Xerox copies can be provided at \$.10 per exposure.

4. Microfilm. All microfilm which include among other items Louisiana newspapers (Alexandria, Baton Rouge, Lake Charles, Monroe, New Orleans, and Shreveport), Louisiana census records, some parish records such as marriage, succession, and probate may be used in the State Library. Microfilm reader-printers are available for patrons' use. Rolls that are in duplicate circulate for two weeks only with a limitation of four rolls to patron per loan.

5. Maps. All maps may be used in the State Library. Maps that are in duplicate circulate for two weeks only. All quadrangle maps circulate whether or not they are duplicates.

6. Photographs and Art Works. All photographic art works may be used in the State Library, but do not circulate.

7. Slides. All slides may be used in the State Library. Projectors are available for patrons' use. All slides circulate for two weeks, but are limited to two sets to patron per loan.

8. Vertical File Material. All vertical file materials (clipped and mounted newspapers and magazine articles, current and retrospective) circulate with certain exceptions which may be Xeroxed. There is a limit of 10 items per patron per loan.

9. Overdue fines are not charged, but repeated violation of loan rules may result in suspension of borrowing privileges.

10. Borrower is responsible for library materials while they are in his possession. In case of loss or damage he shall be assessed the cost of replacement or repair. Replacement cost shall be the publisher's current list price for material still in print, or the current market value for material no longer available from the publisher.

11. Damaged materials which have been replaced by a borrower, because they could not be repaired, may, if requested, be given to the patron after the State Library has removed all marks of ownership.

12. The amount paid for lost materials may be refunded if such items are found within six months and returned in good condition.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### **§303. Films and Recordings Materials**

#### **A. Films**

1. 16 mm sound, black-and-white and color educational films are available for loan.

2. Films are loaned for overnight use only, or for a weekend. In cases of special need, a longer loan period can be arranged. Mailing time is allowed for out-of-Baton Rouge loans.

3. State Library films may not be used where there is an admission charge for viewing the film or for attending the program.

4. The films may not be shown on television, either broadcast or closed-circuit, without obtaining written permission from the holder of television rights. Copying of any text or portion of a film is likewise prohibited by copyright laws.

5. The number of films per loan per program is generally limited to two films per week. The number may be increased for such programs as Bible schools, summer camps, and workshops.

6. All films are electronically inspected before loaning. The borrower will be held responsible for damage to the film or for loss and shall pay the cost of repair or replacement.

7. Films may be used within the state of Louisiana only.

8. Reservations for films may be made up to six months in advance with the exception of seasonal titles such as those for Thanksgiving and Christmas which may be reserved at any time.

9. Films must be rewound and returned on State Library reels.

10. Intended use of the film should be given with each film request so that, if necessary, suitable substitutions can be made.

#### **B. Recordings**

1. Spoken word and musical recordings are available for loan.

2. Recordings are loaned for four weeks and may be renewed once, if there are no other requests on file.

3. Recordings in current popular demand are limited to a two weeks loan.

4. The borrower is responsible for the condition of the recordings while they are in his possession. He shall pay the cost of replacing those discs which are no longer playable because of damage incurred during the time they were checked out to him.

5. Whenever a patron has damaged a recording and is required to pay the cost of replacement, he will be given the damaged recording, provided the State Library is able to repurchase the same recording.

6. Loan of stereo recordings requires a statement from the borrower that he has a stereo cartridge in his equipment.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### **§305. Blind and Physically Handicapped Materials**

A. Library materials available include books and magazines recorded on discs, open-reel magnetic tapes, and cassettes; and books and magazines printed in large type and embossed in Braille. Most of these materials are provided by the Library of Congress through its national books for the blind and handicapped program.

B. Library materials are delivered to borrowers' homes and agencies by parcel post, and must be returned to the State Library by parcel post. All postage service is free. Users may borrow direct from the State Library if they wish.

C. The loan period is one month for individuals, the school year for schools, and extended as arranged for other agencies. Renewals are granted depending on the demand for specific titles.

D. The number of books per loan is determined by the patrons themselves, the speed with which they read and return books, their needs, and their storage facilities. Agencies may arrange for deposit collections.

E. Especially designed Talking Book machines (phonographs) and cassette players are provided on loan from the State Library or Blind Services Program in the Family Services Division. Patrons must provide their own open-reel tape playing equipment.

F. Repair and maintenance of equipment is arranged by the official equipment lending agency which is the Blind Services Program in the Family Services Division.

G. Application forms for use and information about the service are available from the State Library, any Louisiana public library, and the Blind Services Program in the Family Services Division, or any of its area offices. Applications may be filed with any of the above.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## **Chapter 5. Services**

### **§501. Information and Loan Services**

#### **A. Services include:**

1. fills requests for information; for specific books, periodicals, and pamphlets; and for material on a particular subject;

2. borrows for individuals and other libraries library materials not available at the State Library;

## CULTURAL RESOURCES

3. verifies and locate books and/or serials not in the State Library collection for direct borrowing by the requesting library;

4. makes referrals to other sources;

5. selects books, periodicals, and other materials for purchase to meet demand, and to develop the collection;

6. makes or orders Xerox copies, or microform prints, for all authorized users and borrowers;

7. compiles bibliographies;

8. instructs patrons in the use of the State Library.

### B. Limitations on services include:

1. does not perform genealogical research;

2. assists, but does not provide extensive research for students;

3. assists, but does not search indexes where available to patron;

4. does not borrow books on genealogy, juvenile books, popular fiction, best-selling nonfiction likely to be in current demand, medical or legal texts (except for a member of the medical or legal professions);

5. does not borrow from an academic institution for a student of that institution.

C. Charges for Service. Services are free except for photocopying and microform prints. The charge for this service is \$.10 per exposure; a minimum of \$1 is charged for mail orders.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## §503. Films and Recordings Services

### A. Films services include:

1. lends films;

2. selects films for purchase to meet demand and to develop the collection. Every film is previewed prior to its purchase;

3. assists in the planning of film programs, using selections from the State Library collection and from outside

sources. Request for this service may be submitted by mail or in person;

4. assists patron in locating films available from other agencies;

5. compiles lists of films on particular subjects.

### B. Recordings services includes:

1. lends recordings;

2. selects recordings for purchase to meet demand, and to develop the collection;

3. indexes the collection so that requests can be made by composer, author, title, performing artist, or group.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## §505. Blind and Physically Handicapped Services

### A. Services include:

1. lends library materials from the collection for the Blind and Physically Handicapped;

2. makes every effort to locate outside the state any title the patron may request;

3. makes selections from lists of requests submitted by the patron. Catalogs of the collection are sent to the patron upon registration, and periodically thereafter;

4. makes selections for patron on request based on his personal interests and on information provided by his relatives, caseworker, counsellor, teacher, librarian, or other sponsor;

5. purchases, or produces by volunteers, after evaluation of the request, materials for college or vocational use and titles of Louisiana or regional interest;

6. sends names of patrons to the American Foundation for the Blind to assure patrons' receipt of official publications;

7. sends on request for addition to mailing lists names of patrons to publishers of magazines available without charge.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**Title 25**  
**CULTURAL RESOURCES**  
**Part VII. State Library**  
**Subpart 2. Library Technical Services**

**Chapter 11. State Library Processing Center**

**§1101. Processing Center Functions**

The State Library Processing Center consolidates book orders, classifies, catalogs, and processes books for public and state institutional libraries which are members.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**§1103. Conditions for Membership**

A. Public and state institutional libraries which will accept a standardized product as set forth in the *Handbook for Member Libraries*. Policy decisions in the *Handbook for Member Libraries* are made by the coordinating committee of the processing center, appointed by the state librarian.

B. Public libraries which agree to pay the prescribed fee per book for processing.

C. Libraries which are in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**§1105. Space and Staff**

Because of the State Library's limited space and staff, membership must necessarily be restricted. In addition to the conditions in § 1103, the following criteria must be met by public library members:

1. Libraries which indicate the greatest need for service due to:

- a. lack of personnel;
- b. need for improved cataloging service.

2. Libraries which submit a feasible plan for use of released staff time that will result in improved service.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**§1107. Processing Center Agreement with Member Libraries**

The State Library Processing Center contracts with the member library to:

1. order, classify, catalog, and process books as described in the *Handbook for Member Libraries*;
2. furnish all supplies and keep records of books processed;
3. bill quarterly in duplicate for the number of books processed each quarter;
4. check books with invoices and order slips, approve invoices, and forward to the member library for payment;
5. upon completion of the processing, ship books to member libraries prepaid;
6. does not catalog or process nonbook materials.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**§1109. Processing Center Charge to Institutional Libraries**

Processing is provided without charge to all state institutional libraries in the State Library-directed, two-year pilot program and on a continuing basis after the individual institution assumes the responsibility for financing the library.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**Chapter 13. Louisiana Union Catalog**

**§1301. Louisiana Union Catalog Program Functions**

The Louisiana Union Catalog Program provides a continually updated card file listing and description of all the books, microfilm, and maps about Louisiana or by Louisiana writers and determines the location of the copies that are held by all the libraries of the state.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

**§1303. Incorporation of Titles Submitted by Libraries**

The Louisiana Union Catalog incorporates all titles submitted by libraries in the state except those titles listed in Official Publications, State of Louisiana and Louisiana Newspapers, 1794-1961.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**§1305. Bibliographic and Location Information**

Bibliographic and location information contained in the central card file is available to anyone on request.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**§1307. Information Submitted by the Louisiana Library Association**

At two or three year intervals the State Library compiles the information submitted for publication by the Louisiana

Library Association. These volumes of the *Louisiana Union Catalog* are made available for the cost of production.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.

**§1309. Bi-monthly Updates**

*LUC Advance Sheets*, the bi-monthly update compiled by the State Library, is available at a yearly subscription rate. The subscription handled by the Louisiana Union Catalog Committee of the Louisiana Library Association covers costs of production for which the State Library is reimbursed. Any balance remains with the committee to assist in the underwriting of future editions of the *Louisiana Union Catalog*. All Louisiana documents, in addition to items enumerated in '1301 reported to the *Louisiana Union Catalog* are included in the *LUC Advance Sheets*.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974.



**Title 25**  
**CULTURAL RESOURCES**  
**Part VII. State Library**  
**Subpart 3. Library Development**

**Chapter 21. Public Library  
Construction**

**§2101. Administration**

The State Library administers the federal Library Services and Construction Act (Public Law 98-480) which provides under Title II, funds for public library construction. The purpose of the act is to assist parishes in providing public library facilities in area without library facilities or with inadequate library facilities.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

**HISTORICAL NOTE:** Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, Office of the State Library of Louisiana, LR 18:1356 (December 1992).

**§2103. Definition**

*Public Library Construction* the construction of new public library buildings and the expansion, remodeling, alteration, and technological enhancement of existing buildings to be used as public libraries, and the initial equipment of any such buildings (but not books), including architect's fees and the cost of the acquisition of land.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

**HISTORICAL NOTE:** Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, Office of the State Library of Louisiana, LR 18:1356 (December 1992).

**§2105. Rules Governing Administration of the Act**

For the administration of the act the following state rules are applicable.

1. The public library applying must be a part of a parish or regional library except where there is evidence of a cooperative arrangement between the municipal library and the parish library operating under the laws governing parish and municipal libraries (R.S.25:211) or the Local Services Act (R.S. 33:1324).

2. A written building program, the site, the preliminary drawings and specifications, and final plans and specifications for the building and equipment must be approved by the State Library of Louisiana.

3. The facility must meet standards as set forth in Standards for Public Libraries in Louisiana (1995).

4. The building must be open a minimum of 40 hours a week and all services must be available to all persons without discrimination.

5. A public library facility to be attached to another building or built as a part of a building must be treated as a separate unit in terms of service, space, and costs. All documents including contracts must clearly indicate the cost of the portion of the building to be used for public library services purposes only. The section of the building to be used for public library purposes must have a direct outside entrance.

6. The decision to expand or remodel an existing building must be based upon a feasibility study and thorough examination of the existing structure by a registered architect and/or licensed engineer.

7. The parish, municipal corporation, or the parish municipality must provide 50 percent or more of the cost from local funds.

8. Local matching funds must be public funds for library construction/technology enhancement and on deposit with the parish, the municipal corporation, or the parish municipality. Separate financial records must be maintained for the building/technology enhancement project.

9. All applicable regulations of the Public Contract, Work and Improvements Law, R.S. 38:2211 et seq. must be adhered to for the library construction/technology enhancement.

10. As soon as the construction/technology enhancement contract is signed one complete copy must be sent to the State Library of Louisiana.

11. The State Library of Louisiana will provide limited consultative services for the librarian, members of the Board of Control, and architect in the planning for and the construction of public library buildings. If the State Library of Louisiana considers an outside building consultant necessary, the State Library of Louisiana upon request of the Library Board will suggest names of qualified building consultants.

12. All equipment must be purchased on the basis of awards to the lowest qualified bidder on the basis of open competitive bidding, and according to state and local laws and regulations. In the case of technology enhancement, L.R.S. 38:2234 may be applicable.

13. The applicant must send to the State Library of Louisiana the final fiscal report and the final fiscal audit of the project.

14. The applicant shall notify the State Library of Louisiana that the project has been completed according to the application.

15. The facility must display in a prominent place the "International Symbol of Access for the Handicapped."

16. In developing plans for public library construction local and state codes with regard to fire and safety must be observed.

17. The State Library of Louisiana or its representative must have access to all records and documents which are required to be retained by the applicant.

18. Should the State Library receive more correct, properly completed and eligible applications than can be funded, it will first fund those applications:

a. proposing facilities to serve as a center/headquarters for the library system;

b. proposing facilities serving parishes in which the average family income is less than the average family income for the state;

c. proposing facilities for a library system which has not received a prior LSCA Title II construction grant;

d. proposing facilities for which the local construction funds are readily available.

19. Should the State Library receive more correct, properly completed and eligible applications than can be funded, it will first fund the technology enhancement projects:

a. impacting statewide or regional library services and resource sharing;

b. impacting parish wide library services;

c. assisting individual libraries with needed services;

d. enhancing library services in parishes where the average family income is less than the average family income for the state.

20. All requirements being met and conditions on which priorities are established being equal, the State Library of Louisiana will make grants in order that applications are approved and local funds are available.

21. Architect and applicant must conform to terms and conditions as set by AIA Document B151, Standard Form of Agreement Between Owner and Architect.

22. Public library construction/technology enhancement projects must follow local and federal regulations guiding urban development, environmental impact and protection, and intergovernmental cooperation currently in force.

23. Public library construction projects must conform with local and federal rules and regulations on financial assistance for construction currently in force by the various levels of government.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

**HISTORICAL NOTE:** Adopted by the Louisiana State Library, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 18:1356 (December 1992), LR 22:12 (January 1996).

## Chapter 23. Regional Library Systems

### §2301. Long-Range Plan

In Louisiana's long-range plan for library development one of the chief objectives is the establishment of seven library systems. To date, three systems have been organized and are demonstrating that coordinated services benefit all residents of the area and help to avoid unnecessary duplication of materials and staff.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

**HISTORICAL NOTE:** Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### §2303. Qualifying Conditions

Conditions (see ' 2305 for definitions) for qualifying for a two-year pilot library system grant and for a continuing library system grant are listed below.

#### 1. Membership

a. Public Libraries in the Geographical Area Designated as a System

i. Membership shall be authorized by direct action of each public library board of control and each governing authority.

ii. Parish public libraries as well as municipal public libraries may become members of the system. If the library system continues after the pilot program, the municipal public library, in order to qualify for system membership, must become a part of the parish public library.

iii. At least 75 percent of the public libraries in the designated geographical area shall be members of the system. The population to be served by the system shall be at least 200,000.

b. Academic Library (or libraries) in the Geographical Areas Designated as a System

i. Membership shall be authorized by the appropriate official of the academic institution.

ii. At least one academic library in the designated geographical area shall be a member of the system.

c. Special and Institutional Libraries in the Geographical Area Designated as a System. Membership shall be authorized by the appropriate official of management or of the institution.

d. No member library shall withdraw from the system during the two-year pilot period.

#### 2. Organization

a. That public library which has a collection of at least 80,000 volumes and which serves the largest population in the system shall be designated the library center of the system.

b. During the two-year pilot period the director of the system shall be appointed by the state librarian with the endorsement of the administrative librarian of the library center; thereafter, said director of the system shall be appointed by the system board of commissioners with the endorsement of the administrative librarian of the library center and the state librarian. Also acceptable as a condition after the pilot period is the appointment of the director of the system by the system board of commissioners upon the recommendation of the executive council and with the endorsement of the administrative librarian of the library center and the state librarian.

c. The director of the system shall be the chief administrative officer of the system services. He shall serve as a member and presiding officer of the executive council and secretary of the system board of commissioners. He shall submit monthly and annual narrative, statistical, and financial reports to the State Library.

d. The director of the system shall appoint and employ assistant librarians and other employees of the system and fix their salaries and compensation with the endorsement of the board of commissioners and the administrative librarian of library center.

e. The director of the system shall approve expenditures for payment, shall disburse grant funds, and shall maintain all necessary records in accordance with parish, municipal, or parish-municipal financial regulations.

f. The director of the system shall furnish surety bond with good and solvent surety in favor of the library system board of commissioners for such amount as said board may determine and conditioned as required by law.

g. The director of the system shall have authority to execute contracts for member academic, institutional, and special libraries for inter-library loan services.

h. The director of the system must be certified by the Louisiana State Board of Library Examiners or must be eligible to take the examination.

i. A separate account shall be maintained for funds allotted to the system by the Louisiana State Library.

j. Executive Council

i. Each system shall have an executive council composed of the administrative librarians of the participating academic, public, institutional, and special libraries.

ii. The executive council shall develop a plan of service for the system and shall be responsible for its implementation. The executive council shall review the plan periodically and at the completion of the pilot program and annually thereafter shall submit a written evaluation of the project to the Louisiana State Library.

iii. The executive council shall meet at least bimonthly.

iv. At least quarterly, the executive council shall invite to its regular meeting designated school librarians (to assure representation from each parish), school library supervisors, directors of media centers at the parish level, and representatives of library education within the designated geographical area.

k. System Board of Commissioners

i. There shall be a system board of commissioners with one representative from the board of control of each member public library who shall be appointed by the governing body upon recommendation of the board of control. In addition, there shall be a lay member representing each member academic, institutional, and special library who shall be appointed by the appropriate official of the university, the institution, or of management.

ii. The system board of commissioners shall meet and organize immediately after their appointment and elect a president and vice-president. The director of the system shall serve as secretary of the system board of commissioners.

iii. The system board of commissioners shall act in an advisory capacity during the pilot period. It shall appear before governing bodies and other bodies whenever desirable, shall interpret the system concept to the public, and shall promote the services of the system.

3. Services

a. Access. The resources of the library center and all member libraries shall be available for use throughout the system by all other member libraries as well as by individual residents. In the case of use of the resources of the academic, institutional, and special library by other member libraries as well as by individual residents, the executive council shall adopt a policy recommended by the librarian of the academic, institutional, and special library and/or the authorized official of the university, the institution, and of management.

b. Hours of Opening. The library center must be open for service at least 66 hours per week.

4. Resources. The public library in which the library center is located shall have a collection of at least 80,000 volumes.

5. Maintenance of Public Library Fiscal Support

a. There shall be available for expenditures for service in each public library from local sources during the fiscal year for which the grant is made to the system not less than the total amount expended for services in each public library from such sources in the preceding fiscal year except when tax collections are less because of decreased assessed valuations.

b. There shall be available for expenditures for service in the public library in which the library center is located at least \$2 per capita from local sources during the fiscal year for which the grant is made.

## 6. Reports

a. Monthly and annual narrative, statistical, and financial reports shall be submitted to the Louisiana State Library by the director of the system.

b. A written report and evaluation prepared by the executive council shall be submitted to the Louisiana State Library upon completion of the pilot program and annually thereafter.

## 7. Application for Grant

a. An application for an initial system grant with budget shall be developed by the executive council of the system and submitted by the administrative librarian of the library center to the state librarian. This application must be approved by the board of control and governing body of each participating public library and by the appropriate official of each participating academic, institutional, and special library.

b. The application with budget shall be approved by the state librarian with the consent of the State Library Board of Commissioners.

8. Contract. Upon approval of the application with budget the administrative librarian of the library center shall execute a contract with the state librarian, specifying the services to be rendered. The contract shall be renewed annually.

9. Accounting. Post audits, as required by law, will be made.

## 10. Assurance of Compliance

a. In compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) no person shall on the ground of race, color, or national origin, be denied service of the library system or any of its member libraries.

b. Any member library of the system which has not filed with the State Library an assurance of Compliance with the Federal Civil Rights Act of 1964, shall do so and such Assurance shall be attached to the application.

11. Books, Furniture, and Equipment. At the conclusion of the pilot period all books, furniture, and equipment purchased with system funds shall remain in the system on indefinite loan.

## 12. Continuing Fiscal Support of System

a. Should the system program accomplish the objectives stated and result in improved library service for the citizens of the region every effort will be made to secure state and federal funds for the continuing support of the system, the level of support to be determined after the evaluation of the two-year pilot program.

b. The State Library will require the maintenance of effort described in Paragraph 6 above, and, in addition, will require that there be available for expenditures for service in each member public library at least \$2 per capita from local sources.

13. Priorities in Grant Allotments. Preference will be given to the application for a system grant:

a. Which includes all academic, public, and special libraries in the designated geographical area.

b. From an area in which the public libraries most nearly reach the standards established in the "Standards Statement for Louisiana Public Libraries."

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### **§2305. Definitions of Conditions for Qualifying for a Library System Grant**

*Designated as a System* Cparishes grouped geographically in natural trade areas for library cooperation.

*Director of the System* Cthe chief administrative officer.

*Expenditures for Service* Cexpenditures for personnel, library materials, binding and supplies, purchase, repair or replacement of furnishings and equipment, and costs necessary for the maintenance of the plant. It does not include capital expenditures which result in the acquisition of or addition to fixed assets, e.g. building sites, new buildings and building additions, equipment (including initial book stock), furnishings for new or expanded buildings. It excludes income in kind (free rent and utilities, staff members paid by another agency, the value of volunteer staff time, gift books and gift subscriptions to periodicals). If funds are saved over a period of years for replacement of equipment (or for the purchase of new equipment), the amount saved during the year under consideration may be counted in the expenditures for service for that year; however, when the total amount is spent during one year (example: for purchase of a bookmobile) only the amount budgeted for that year may be counted in expenditures for service.

*Library Center* Cthe administrative unit to house the staff required to administer the system, to accommodate the services performed, and to provide an in-depth collection of library materials to permit ready access by the total citizenry of the system.

*Library System* Ca group of libraries within a defined geographical area working together for the improvement of library service for all residents of the area.

*Membership in the System* Cparticipation in the plan of service developed by the executive council which is made up of the administrative librarians of the member libraries of the system.

*Resources* Call types of library materials including books, periodicals, films, recordings, microfilm, etc.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## Chapter 25. Libraries in State's Health and Correctional Institution

### §2501. Services

The State Library coordinates a program of library service for patients, inmates, and staffs of the state health and correctional institutions. The service is designed to support and strengthen the educational, vocational, recreational, and rehabilitation programs of the institutions. The materials selected are geared to the special reading needs and abilities of the institutional residents.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### §2503. State Library Agreement with Individual Institutions

Under a contractual agreement with the individual institution and the state department involved, the State Library agrees to:

1. organize the two-year pilot library program;
2. provide consultative and supervisory services during the pilot program and consultative services on a continuing basis;
3. select and purchase the furniture, equipment, and library materials;
4. process at the State Library Processing Center all books during and after the pilot project;
5. supplement the pilot library with materials through interlibrary loan including such materials as books, recordings, and 16 mm films;
6. transfer ownership of all library materials, furniture, and equipment purchased during the pilot program at the conclusion of the pilot period.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### §2505. Agreement

The cooperating state institution and state department agree to:

1. provide adequate space for the pilot library and renovations needed;
2. provide sufficient, qualified personnel to staff the library during and after the pilot project. Qualified personnel is interpreted as:
  - a. a Louisiana State Civil Service position at the minimum level of a Librarian I for those institutions with a resident population up to 300 and a Librarian II for those institutions with a resident population over 300;

b. sufficient supportive staff to carry out a well-rounded library program;

3. assume responsibility for the administration and full financing of the library at the conclusion of the pilot period.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of State Register, December 11, 1974.

## Chapter 27. Auditorium and Conference Room-Use by Public

### §2701. Details

The auditorium (seating capacity 224) and conference room (seating capacity 100) provide facilities for such educational and cultural activities as are part of the State Library program. To the extent of time available, the auditorium and conference room may be used for other purposes, but such use will be governed by regulations as follows.

1. The auditorium and conference room may be used for activities of other state departments and for educational, cultural, or community welfare activities sponsored by nonprofit, nonpolitical, nonpartisan, and nonreligious groups, free of charge.
2. No admission charge either by way of ticket sale or request for donations shall be made for any functions.
3. No regular recurring meetings shall be held except for those sponsored jointly by the State Library and the organization involved, or by other state departments.
4. No food is to be served in the auditorium and conference room. Smoking is not permitted in the auditorium
5. Reservations and arrangements for the auditorium or conference room should be made with the State Library's administrative secretary. If reservation is not needed, request for cancellation should be made as soon as possible.
6. If conflicts arise in scheduling, preference will be given to state departments and state organizations.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

### §2703. Equipment Use

The State Library equipment listed below is available to groups using the auditorium and conference room. The state agency or group is expected to furnish a competent operator for the equipment to be used. Arrangements must be made in advance for the use of this equipment: 16mm sound projector and screen, slide and filmstrip projector, cassette player.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## CULTURAL RESOURCES

### **§2705. Patrons' Right to Privacy**

State Library employees shall not divulge information regarding the materials used by any patron nor shall they identify the users of particular library materials without the consent of the individuals concerned. Such privileged client

information will only be made available by the State Library on order from a court of competent Jurisdiction.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

## Title 25 CULTURAL RESOURCES

### Part VII. State Library

#### Subpart 4. State Aid to Public Libraries Grant

#### Chapter 31. Disbursement of State Aid Grants

##### §3101. Definitions

The following terms have the respective meanings ascribed to them, except in those instances where the context clearly indicates a different meaning.

*Audiovisual Materials* Educational materials directed at both the senses of hearing and sight, and includes motion pictures, videocassette, sound and silent filmstrips, slide sets, recordings, microprint, and art works used in library collections.

*Consolidated Library System* A library system, established by the governing bodies or authorities of two or more parishes as provided in R.S. 25:211, which crosses parish lines and is governed by a single board of trustees, administered by a single head librarian, and within which all of the service outlets are branches of a single institution.

*District Library* A library established by state law, for a defined district within a parish, to serve residents of the district.

*Free Basic Library Service* Standard library service including the use of the principal circulating collection of the library and standard reference/information services without charge.

*Municipal Library* A library, established by one or more municipal governing authorities as provided by law to serve all residents of the municipality or municipalities and which may or may not serve additional persons.

*Nonconsolidated Library System* A library system which is composed of two or more autonomous member libraries, each having its own board of trustees, controlled by representatives of member libraries, and operated from a designated library center under the supervision of a system director, and which receives special financial support from local, regional or state appropriations to provide more comprehensive library service in the geographical area served by the system.

*Parish Library* A library, established by a parish governing authority, as provided by law to serve all residents of the parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 13:392 (July 1987), LR 24:2232 (December 1998).

##### §3103. Submission of Applications

A. The state librarian shall establish a program of supplemental grants to libraries for the purchase of technology enhancement, technological information resources, books, audiovisual materials, newspapers, and periodicals in accordance with the provisions of this Part. The state librarian may establish rules and regulations for implementation of this program in accordance with the Administrative Procedure Act. Grants may be made from funds appropriated to the state library for allocation to libraries as provided herein.

B. Any parish library which serves all residents of the parish, any municipal library which serves all residents of a parish which does not have a parish library, any consolidated library system, and any district library shall be entitled to apply annually to the state librarian to receive supplemental grants in accordance with the provisions of this Part.

C. Applications to receive supplemental grants shall be submitted with the written approval of the Library Board of Control.

D. Grants shall be made by the state librarian on the basis of annual applications for grants submitted to him. Applications for state fiscal year must be made by November 1 of the same state fiscal year.

E. Applications shall contain such information as may be requested by the state librarian to establish the eligibility of the library under the provisions of this Part and rules and regulations promulgated by the state librarian. Applications shall also contain a proposal for expenditure of funds for which application is made.

F. Funds granted under the provisions of this Part shall be expended only for the purchase of technology enhancement, technological information resources, books, audiovisual materials, newspapers, and periodicals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 24:2232 (December 1998).

##### §3105. Eligibility

A. Each library or consolidated library system represented by the applicant must be legally established according to Louisiana Revised Statutes Title 25, Section

211, except for the New Orleans Public Library which was established prior to the enactment of Title 25.

B. Each library or consolidated library system must agree to serve all patrons with free basic library service with no denial of service by reason of sex, race, or political or religious persuasion.

C. Each library or consolidated library system shall show evidence of working toward the standards for public library service in Louisiana as adopted by the Louisiana Library Association.

D. Each library or consolidated library system participating in the program of supplemental grants shall endorse and comply with the interlibrary loan code adopted by the Louisiana Library Association to assure the interlibrary availability of materials purchased from funds granted herein.

E. A parish library which serves all residents of the parish, a municipal library which serves all residents of a parish which does not have a parish library, and a consolidated library system shall be eligible to apply to receive supplemental grants if other conditions of eligibility are met.

F. If eligibility to receive state grants under the rules is lost for any reason, the following conditions must be met to re-establish eligibility:

1. The state librarian will be notified that the library or consolidated library system will be ineligible to participate in the program of supplemental grants by submission of the semiannual report dated July-December which when filed by February 1 will indicate the inability to "maintain effort". Said library or consolidated library system shall not be declared ineligible until after the receipt of their semiannual report. Grant payments will continue to the end of the state's current fiscal year (June 30).

2. The library or consolidated library system which has been declared ineligible in writing by the State Librarian shall not receive state aid funds for the succeeding state fiscal year (July 1-June 30).

3. The ineligible library or consolidated library system shall continue to make annual application to the State Library to be filed by October 1 for the next succeeding year so when circumstances permit participation in the supplemental grants program the library or consolidated system will have an application on file and will be eligible.

4. When an ineligible library or consolidated library system submits evidence in the form of the semiannual report dated July-December of a return to the required level of maintenance of effort for the expenditure on library materials and total income received from local sources for the stipulated period of time, that library or consolidated library system will be declared eligible for participation in this program. Payments will begin with the first quarterly payment (August) of the state's fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 13:392 (July 1987).

### **§3107. Maintenance of Local Effort**

Grant funds cannot be used for personnel or regularly budgeted items. Nothing in these rules and regulations shall be construed to effect a substitution of state funds for library service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 7:408 (August 1981), LR 8:591 (November 1982), LR 13:392 (July 1987), LR 24:2232 (December 1998).

### **§3109. Distribution of Supplemental Grants**

The state library shall grant funds under the provisions of this Part to any library, consolidated library system, or district library which makes application therefor and which is eligible for such funds as provided herein. Grants shall be made on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 7:407 (August 1981), LR 23:392 (July 1987), LR 24:2232 (December 1998).

### **§3111. Annual Reports to the State Library**

Each library, consolidated library system, or district library applying annually to the state librarian for and receiving supplemental funding grants shall furnish to the state librarian, an annual report of such information concerning library technology and/or materials purchased as the state librarian may require, specifically including a description and financial accounting of all library technology and/or materials purchased from funds received under the provisions of this Part. The legislative auditor for the state of Louisiana shall have the option of auditing all accounts pertaining to grants made to public libraries, or consolidated library systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), LR 24:2232 (December 1998).

### **§3113. Appeal Process**

If a public library, consolidated library system, or district library is denied the grant for technology materials and/or library materials, the avenue to appeal this decision will be first the state librarian, next, to the secretary of the Department of Culture, Creation and Tourism, and finally, to the lieutenant governor of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR



6:107 (March 1980), amended LR 13:392 (July 1987), LR 24:2232 (December 1998).



# Title 25

## CULTURAL RESOURCES

### Part VII. State Library

#### Subpart 5. Public Document Depository System

#### Chapter 41. General Rules

##### §4101. Authority

These rules are promulgated by the state librarian who serves as the assistant secretary of Culture, Recreation and Tourism, Office of the State Library, as authorized by R.S. 25:122(B) and as required by the Administrative Procedure Act (R.S. 49:953).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

##### §4103. Organization

The State Public Documents Depository Program is created as a unit of the state library under the direction of the state librarian who employs a graduate librarian to head the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

##### §4105. Purpose

The state librarian has the duty to establish a depository system to facilitate the accessibility and preservation of state documents for the use of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

##### §4107. Advisory Council

In pursuing the mission to provide citizens of the state access to state government publications, the recorder of documents will seek the advice of an advisory council. Members will be appointed by the state librarian, and will include representatives of state agencies, state depositories, and other interested persons. Functions of the council shall be to advise on the selection, organization, distribution, and bibliographic control of publications; to recommend policy and procedures for the effective and efficient operation of the office of the recorder of documents and to provide a forum for the exchange of information and ideas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### Chapter 43. Deposit of Publications

##### §4301. Agency Responsibility

State agencies as defined in R.S. 25:121.1 are required to deposit copies of their public documents with the recorder of documents immediately upon publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

##### §4303. Public Documents Required to be Deposited

The public documents required to be deposited are those defined in R.S. 25:121.1. "*Public document*" means informational matter, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency, and specifically includes reports, directories, statistical compendiums, bibliographies, laws or bills, rules, regulations, newsletters, bulletins, state plans, brochures, periodicals or magazines, committee minutes, transcripts of public hearings, journals, statutes, codes, pamphlets, lists, books, charts, maps, surveys, other printed matter, microfilm, microfiche, and all items for sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

##### §4305. Public Documents not Required to be Deposited

A. Correspondence and inter-office or intra-office memoranda and records of an archival nature are excluded.

B. Audiovisual materials, including audiotapes, videotapes, films, filmstrips, slides, and other audiovisual materials may be excluded except that state agencies shall preserve one copy of each such public document or the liaison officer shall deposit one copy of each with the recorder of documents for preservation.

C. For the purposes of the recorder of documents, some informational materials may or may not fall within this definition of audiovisual materials, depending on the physical format, quantity reproduced, and purpose of the reproduction. Examples are maps, works of art, photographs, building plans and specifications, and computer produced copy of micro-copy. It will be necessary for the recorder of documents to make a determination about such materials on an individual basis after consulting with the publishing agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4307. Core Collection**

A. Core collection refers to those basic public documents which all depositories shall receive.

B. The needs of the public will be served best by distributing to all depositories those public documents which are the most useful and essential. Fewer copies of other state agency publications may be needed to meet the needs of the depository system. Therefore, in the interest of economy and efficiency, the recorder of documents with the aid of the advisory council will identify a core collection to be deposited in all participating libraries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4309. Number of Copies to be Deposited**

The recorder of documents and the advisory council will determine the appropriate number of copies of each public document not included in the core collection which will be required to be deposited to meet the needs of the depository program in accordance with the contract between the depository and the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4311. Liaison Officer of Agencies**

Every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the recorder of documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the recorder of documents of any new liaison officer should a change occur. The liaison officer of each state agency shall have the duty to provide the recorder of documents with copies of all public documents of the agency, to compile and forward to the recorder of documents lists of the public documents of the agency, and to provide other related information as may be requested by the recorder of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4313. Application of Rules**

If a state agency is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is questioned, the liaison officer of the agency shall consult with the recorder of documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the recorder of documents, a written request should be submitted to the state librarian, who shall make the final ruling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4315. Noncompliance by Agency**

Noncompliance of an agency will result in a written notice of the noncompliance from the state librarian to the chief administrative officer of the agency. This notice shall state the alleged noncompliance, a specific date on which such noncompliance must be remedied, and that further noncompliance will result in a report to the attorney general and the governor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

#### **§4317. Agency List of Publications**

Every state agency shall provide to the recorder of documents a complete list of its public documents upon request of the recorder of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

## **Chapter 45. Depository Library System**

#### **§4501. Statutory Depositories**

Louisiana State Library and Louisiana State University Library at Baton Rouge are legally designated complete depository libraries. They shall be the historical depository libraries, shall receive two copies of all public documents received by the recorder for distribution, and shall retain permanently one copy of each.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

**§4503. Other Depositories**

Libraries including those in state agencies and other institutions in Louisiana wishing to receive public documents through the depository system shall submit a written application to the state librarian requesting designation as a complete depository, a selective depository, or a limited depository.

1. Complete depositories shall receive one copy of all public documents received by the recorder of documents for distribution and shall retain one copy for a minimum of six years.

2. Selective depositories shall receive one copy of the core collection and all public documents received by the recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of six years.

3. Limited depositories shall receive one copy of those public documents identified in the list of core collection titles and shall retain the latest edition of each.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

**§4505. Designation of Depositories and Contracts**

A. The state librarian shall review the applications submitted, and shall grant depository status to applicants, taking into consideration user needs, geographic coverage, and level of service to be provided.

B. The state librarian and the administrator of the library/institution receiving depository status shall execute a contract which shall designate the depository status of the library/institution, the date depository status shall become effective, and shall include a statement of agreement to abide by the depository law, and the rules and regulations promulgated and adopted by the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

**§4507. Termination of Depository Contract**

A. Termination of the contract between the Louisiana State Library and the depository shall be by written notice six months in advance of the proposed date of termination. The state documents received shall be retained by the depository until the normal retention date, unless otherwise advised by the recorder of documents.

B. Failure of a depository to abide by the depository law, rules and regulations and guidelines shall result in termination of depository contract by the state librarian upon six months written notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

**§4509. Guidelines**

The recorder of documents shall issue guidelines:

1. to aid state agencies in complying with the Louisiana Public Documents Law and the rules and regulations of the state librarian;

2. for the proper maintenance, housing, and servicing of public documents and which describe other responsibilities of the depositories; and

3. which delineate the functions and responsibilities of the recorder of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).



## Title 25 CULTURAL RESOURCES

### Part VII. State Library

#### Subpart 6. Board of Library Examiners

### Chapter 51. Certification

#### §5101. Types of Certification

The State Board of Library Examiners issues two types of certificates:

1. executive;
2. temporary.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### §5103. Candidate Requirements

A. Requirements to be met by candidates for executive certificates are:

1. a baccalaureate degree;
2. professional education, culminating in a degree (either a second Bachelor's degree, as a B.S. in L.S., or a Master's degree with at least one academic year of library science) representing a minimum of five years of study beyond secondary school level. This degree must have been granted by a library school accredited by the American Library Association;
3. three year's executive experience in a public library of recognized standing, after receiving the library science degree.

B. Candidates for temporary certificates must have all of the above qualifications except the years of executive experience. Such certificates are issued by the board only as emergency measures. It is expected that individuals holding temporary certificates will qualify for executive certificates within three years.

C. Candidates must attain a grade of at least 75 in the examination to be granted a certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

### Chapter 53. Examination

#### §5301. Examination Criteria

The examination covers the following aspects of public library service:

1. Library Organization and Administration;
2. Library Budgets and Financial Operation;
3. Standards for Library Service;
4. Louisiana Law;
5. current Status of Library Development in Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### §5303. Oral and Written Examinations

The examination is given both orally and written. The oral examination includes an interview with the candidate, and may be given on the same day as the written examination. In addition, the written statements from references supplied by the candidates are used in evaluating the candidates.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### §5305. Application

Application blanks for permission to take the examination may be obtained from the state Board of Library Examiners, Louisiana State Library, Box 131, Baton Rouge, LA 70821.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### §5307. Fees

At the time of application for examination, all applicants for certificates as librarians shall pay a fee of \$5 to defray expenses of the board, as required by Revised Statutes of 1950, Title 25, Section 222.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 25:222-223.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### §5309. Date of Examination

The examination is given annually on the last Friday in September, unless circumstances necessitate a change of

date. Announcement of examinations is made at least two months before each examination is given, and all applications for that examination must be on file in the Louisiana State Library not later than a month before the date of the examination. In an emergency, with special permission of the board, a candidate may be permitted to take the examination, if his application is received after the announced date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### **§5311. Rights of Board**

The board reserves the right to cancel any announced examination if fewer than three candidates signify their desire to appear.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### **§5313. Revocation**

Any certificate may be revoked for cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### **§5315. Duration of Certificate**

Any executive certificate is issued for five years, and is renewable if the holder of same is serving in a satisfactory administrative capacity in a city, parish or state library position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).

#### **§5317. Temporary Certificate**

A temporary certificate may be changed to an executive certificate without the necessity of another examination if the holder completes the prescribed amount of executive experience in a public library of recognized standing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985).



# Title 25

## CULTURAL RESOURCES

### Part IX. Office of State Parks

#### Chapter 1. General Provisions

##### §101. Definitions

A. As used by the Office of State Parks in association with the operation of its holdings and public facilities.

*Assistant Secretary* Assistant secretary of the Office of State Parks is the executive head of the office and is appointed by the lieutenant governor with consent of the Senate. This officer is subject to the overall direction and control of the secretary of the DCRT while having direct responsibility for the policies of the OSP and for the administration, control and operation of the functions, programs and affairs of the office.

*Classification System* A method of categorizing OSP sites based on purpose, selection, development and management criteria. The categories established by this system are state park, state commemorative area, state preservation area, state preservation site and state experimental site. These classification terms, with the exception of state experimental site and special holdings, represent specific types and qualities of OSP holdings and therefore all use of such terms in any official name or public or private lands or holdings is prohibited except when approved by the secretary of DCRT and when such areas meet the classification criteria as identified in R.S. 56:1684.

*Department of Culture, Recreation and Tourism (DCRT)* A governmental agency duly created by the Louisiana State Constitution of 1974. This department, through its offices and officers, is responsible for planning, developing and implementing improved opportunities for the enjoyment of cultural and recreational activities by the people of Louisiana and for greater development of their cultural and physical potential. This department is responsible for the development, maintenance and operation of library, park, recreation, museum and other cultural facilities; the statewide development and implementation of cultural, recreational and tourism programs; and planning for the future leisure needs of the people.

*Office of State Parks (OSP)* The office within the DCRT responsible for planning, designing, constructing, operating and maintaining a system of parks, natural areas, historic sites and recreational facilities.

*Park* When used by itself, is defined for the rules and regulations to mean any holding of the OSP.

*Secretary* Secretary of the Department of Culture, Recreation and Tourism, serves as the executive head and chief administrative officer of the department and is

appointed by the lieutenant governor with consent of the Senate. This officer has responsibility for the policies of the department and for the administration, control and operation of the functions, programs and affairs of the department.

*State Commemorative Area (SCA)* Can official designation within the classification system of the OSP. State commemorative areas are historic sites with statewide significance. Through individual interpretive programs at these areas, visitors can learn about and experience the Civil War, colonial French and Spanish occupations, Cajun culture, Louisiana country music, ancient Indian cultures, old forts, and 19th century plantation living.

*State Park (SP)* Can official designation within the classification system of the OSP. State parks are selected specifically for their natural setting and scenic environment. Emphasis at these sites is placed on outdoor recreational activities such as boating, fishing, sailing, swimming, hiking and picnicking. Modern cabins, group camps and overnight camping are available, and every state park is situated along a body of water.

*State Parks and Recreation Commission (SPARC)* A commission of members appointed by the governor whose purpose is to promote the goals and objectives of the OSP and act in an advisory capacity to that office and its assistant secretary and the secretary of the DCRT in matters relating to parks, recreational facilities, programs and the efficient administration thereof.

*State Preservation Area (SPA)* Can official designation within the classification system of the OSP. State preservation areas are unique natural sites preserved for future generations because of their exceptional scenic, ecological and biological values. Natural history education is the purpose of such areas and is accomplished through active interpretive programs, visitor centers, museums and trail systems. These areas may include a barrier island, beach-marsh-cheniers, coastal prairie, cypress-tupelo swamp and upland mixed hardwoods. *State Preservation Site (SPS)* represents a natural site significantly smaller than a SPA.

B. As used by the Division of Outdoor Recreation.

*Assistant Secretary of the Office of State Parks* Designated as the authorized representative of the State of Louisiana under the Land and Water Conservation Fund Act (16 U.S.C. ' ' 4601-4 to 4601-11), which position is referred to as "state liaison officer" and which federal act is hereinafter called "act", and is directed to utilize the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in carrying out the authority vested in said office,

it being the intention that any action taken by the state liaison officer be pursuant to and in compliance with the plan. Acts 1980, Number 827, ' 2. Amended Acts 1982, Number 329, ' 2, eff. July 18, 1982.

**Department**Cthe Department of Culture, Recreation and Tourism (DCRT).

**Division of Outdoor Recreation (DOR)**Cthe functional subunit of the Office of State Parks responsible for development, promotion and implementation of the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Act programs.

**Land and Water Conservation Fund (LandWCF) Grants**C50 percent matching grants made by the U.S. Department of the Interior under the Land and Water Conservation Act of 1965, as amended (16 U.S.C. ' 4601 et seq.) to the State of Louisiana and through the state to political subdivisions for the purpose of acquiring and developing outdoor recreation areas and facilities.

**Land and Water Conservation Fund (LandWCF) Grants Manual**Csets forth the administrative policies, procedures and guidelines for LandWCF grants awarded to the states by the Department of the Interior, National Park Service.

**Office of State Parks (OSP)**Cthat office in the Department of Culture, Recreation and Tourism which administers the U.S. Department of the Interior's Land and Water Conservation Fund Act of 1965 and Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. ' 2501 et seq.).

**Outdoor Recreation-A Project Handbook**Csummarizes the rules and regulations as set forth in the *LandWCF Grants Manual* and sets forth the policies, procedures and guidelines for making application, implementation and post completion grant requirements.

**Park**Cincludes land and water parks owned or operated or proposed for ownership, development and operation by the political subdivision which are set aside by a public entity for public recreational use.

**Political Subdivision**Ca parish, city or other governmental entity with the legal authority to establish and/or operate parks and recreation areas.

**State Application**Cthe information and documents which must be provided by the applicant in sufficient detail to allow the DOR staff to prepare the federal application forms for a LandWCF grant.

**State Liaison Officer (SLO)**Cthe liaison official appointed by the governor to represent the state in matters dealing with the U.S. Department of the Interior's Land and Water Conservation Fund and the Urban Park and Recreation Recovery Act of 1978.

**State Parks and Recreation Commission (SPARC)**Cthe commission whose purpose is to promote the goals and objectives of the Office of State Parks and to act in an advisory capacity to that office, the assistant secretary of that

office, and the secretary of Culture, Recreation and Tourism on matters relating to parks. The commission shall also cooperate with political subdivisions of the state when officially requested.

**Statewide Comprehensive Outdoor Recreation Plan (SCORP)**Ca prerequisite for eligibility for LandWCF assistance for acquisition or development grants, identifies capital investment priorities for acquiring, developing and protecting all types of outdoor recreation resources within a state, assures continuing opportunity for local units of government and private citizens to take part in their state's outdoor recreation and environmental planning programs, and provides a practical tool for coordinating all state outdoor recreation and environmental conservation programs.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690 and R.S. 56:1801-1809.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 19:308 (March 1993).

## Chapter 3. Rules and Regulations

### §301. General Authority and Purpose

A. The following rules and regulations, procedures and fees replace, supersede and cancel all rules and regulations, procedures and fees adopted by the Office of State Parks prior to the effective date of these rules.

B. These rules and regulations were enacted by the Office of State Parks to govern all state parks, state commemorative areas, state preservation areas, state preservation sites, state experimental sites and all other holdings under its jurisdiction pursuant to the authority given in Title 56, Chapter 6 of the Revised Statutes of 1950.

C. Parks' rules and regulations are designed to provide the proper atmosphere for the enjoyment and protection of park facilities and the safety of visitors. Visitors are expected to be responsible for their own actions and to familiarize themselves with these rules.

D. The Office of State Parks' programs and activities are open to all qualified persons regardless of race, color, national origin, age or handicap. If anyone believes he or she has been discriminated against in any Office of State Parks' program, activity or facility, he or she may file a complaint alleging discrimination with either the Office of State Parks or the Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240.

E. From time to time, as deemed appropriate by the assistant secretary, special programs, occupancy regulations, or discounts on user fees may be offered in order to encourage visitation during the winter season (October 1-March 31). These special promotional offers are in effect for one winter season only and must be reviewed and reauthorized annually. No fee increases of any kind will be imposed under this rule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990).

### **§303. Park Property and Environment**

A. The provisions of the Louisiana Criminal Code (R.S. 14:1 et seq.) shall be enforced on state park property.

B. No person shall intentionally remove, damage disturb, or destroy state park property or the property of another person, without the consent of the owner. "Property" shall include structures, watercraft, movables, signs, markers, natural features, wildlife, and plants.

C. No timber may be cut, destroyed, or damaged except as necessary to meet established park management criteria, including insect control, public safety, and approved park construction. No timber cutting or removal may occur without the written permission of the assistant secretary or his designee.

D. No building, structure, or other park feature may be altered, erected, or constructed without written consent of the assistant secretary or his designee.

E. The assistant secretary shall, upon recommendation of the site manager, approve a carrying capacity for each state park area. Once a carrying capacity has been reached, or when additional visitors would adversely impact the park, the site manager is authorized to close the park site to incoming visitors.

F. Food, beverages, and smoking are prohibited in structures or areas containing historical furnishings or displays except in designated meeting rooms and assembly locations, or in conjunction with park programs.

G. The display, possession and/or use of metal detectors or other devices for the purpose of locating surface or subsurface artifacts or relics is prohibited. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Excavations for and removal of historical features by professional archaeological means may be considered by a special permit for historical and scientific research purposes. All such requests will be reviewed by the Louisiana State Archaeological Survey and Antiquities Commission. Applications for such permits must be made to the assistant secretary, Office of State Parks.

H. No plant material may be planted or otherwise introduced on any state park area without the written approval of the assistant secretary.

H. No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on any park.

I. No plant material may be planted or otherwise introduced on any state park without the written approval of the assistant secretary or his designee.

J. Visitors to historic sites are prohibited from leaving designated interpretive trails and may not walk on historic

earthworks, fortifications, mounds or like features without specific permission of the site manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990), LR 26:25 (January 2000).

### **§305. Vehicle Use**

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced on state park property.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles must be operated only on those roads, lanes, or byways designated for vehicular park traffic unless otherwise authorized by the site manager.

C. Vehicles, including recreational vehicles, motorcycles, and boat trailers, shall be parked only in designated parking areas unless otherwise authorized by the site manager.

D. No person shall operate a vehicle in excess of 15 miles per hour on park property unless otherwise posted.

E. Only vehicles that have been properly licensed by the appropriate regulatory agencies may be operated on the public roads of state parks. Exceptions to this provision may be granted in advance on a case by case basis by the site manager.

F. No person shall clean, service and/or repair any vehicle on state park property except in emergency situations and in designated areas.

G. Vehicles will be considered abandoned when left unattended for more than seven consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. No person shall remove any barrier to gain access to a restricted area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 26:25 (January 2000).

### **§307. Water Craft**

A. Federal, state, and local laws, rules and ordinances related to the use of water craft shall be enforced. The operation of all water craft in and on all waters or streams, on or adjacent to park property, must be done in a careful and reasonable manner, and is subject to the rules of safety imposed by the laws of Louisiana and by the United States Coast Guard.

B. Every owner and operator of a motor boat, vessel or other water craft shall carry at least one life preserver, life

belt, ring buoy, or other device of the sort prescribed by state and federal law for each person on board so placed as to be readily accessible.

C. Boats shall be launched only from designated boat ramps or launching areas within a park.

D. Persons renting boats must return the boat to the original docking location after use, and secure from unauthorized use.

E. No boat may be operated in a designated swimming area or in any other area designated by signs or any area restricted from boat operation or docking.

F. Boats left docked and unattended must be properly secured in designated areas only. The Office of State Parks will not be responsible for theft or damage to boats, equipment or supplies left unattended.

G. Boats will be considered abandoned when left unattended for more than seven consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. Commercial boats (defined as any craft capable of carrying five or more persons for hire, any craft having a water displacement of five tons or more, whatever the length, or any craft from which commercial activities are conducted involving shrimping, crabbing, fishing, etc.) are prohibited from using any state park facility without the written consent of the assistant secretary. Loading or unloading of materials, boarding of persons, operating power equipment and non-emergency repair work are prohibited.

I. All or portions of water bodies adjacent to boat ramps, docks, swimming areas, boathouses, cabins, picnic pavilions, or other facilities shall be designated No WAKE AREAS. Signs and/or buoys will mark the water bodies or portions thereof so designated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990), LR 26:26 (January 2000).

### **§309. Horseback Riding, Livestock, Animals and Pets**

A. Horseback riding is allowed only in specially designated areas and/or as part of special program events approved in advance by the assistant secretary.

B. Dogs and other pets are not allowed to run at liberty in the parks. Any pet brought within the park area must be leashed, caged or crated, and will not be permitted within buildings or other enclosed structures of the park (the leash is not to exceed five feet in length). Only seeing-eye dogs will be permitted near designated swimming areas and in overnight facilities. Owners of pets causing any injury or damage will be fully responsible.

C. No person shall allow his livestock to run or graze on park property, except in specially designated areas and/or as

part of special programs or events approved in advance by the assistant secretary.

D. No pets are allowed on state preservation areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89 (February 1986), amended LR 14:772 (November 1988), LR 26:26 (January 2000).

### **§310. Litter, Sanitation and Health**

A. No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission, or escape of, or otherwise dispose of litter upon any state park property, except: When litter is placed into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon state park property or water bodies.

B. No person shall drain or dump refuse waste from any trailer or other vehicle except in places or receptacles provided for such uses.

C. Cleaning fish or food, or washing clothing or articles of household use can only be done at designated areas.

D. No person shall discharge or allow to be discharged into any waters of the state any waste or substance of any kind that will tend to cause pollution of water used for human consumption or swimming.

E. Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any comfort station or any public structure, or depositing any bottles, cans, cloth, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such stations or structures is prohibited.

F. No person shall use refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a park.

G. Burial of garbage, litter, or dead animals on park property is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 26:26 (January 2000).

### **§312. Fires**

Fires shall be built only in places specifically designated for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000).

### **§313. Fishing, Hunting, Trapping, and the Use of Firearms or Fireworks**

A. The wildlife (domestic and natural) in state parks' areas is under strict protection and must not be hunted, molested, disturbed, destroyed, or removed, except for scientific or management purposes when approved by the assistant secretary.

B. Bringing or keeping any hunting dogs on park property for the purpose of hunting inside or adjacent to a park area is prohibited.

C. The possession and/or use of any weapon, including but not limited to shotguns, rifles, pistols, and bow and arrows within a park area is prohibited, except by law enforcement officers or by special permission of the assistant secretary.

D. The taking and hunting of frogs on any park property is prohibited.

E. No fireworks of any type are allowed in a park area.

F. Anyone fishing on state parks' property must adhere to all state and federal laws and criteria regarding fresh and/or salt water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited on any state park area except for management purposes authorized by special permit. Taking of flounder by gigs is permitted. No person shall take or attempt to take fish by means of a yo-yo or trigger device in Chicot Lake at Chicot State Park.

G. The use of historic weapons or reproduction historic weapons in a park is allowed only pursuant to policies and procedures established by the assistant secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 16:1052 (December 1990), LR 19:308 (March 1993).

### **§314. Swimming**

A. Swimming is permitted only at designated places, and at the swimmer's own risk.

B. All children under 12 years of age must be accompanied by an adult at any swimming area.

C. The capacity of all pools and beach areas is determined, regulated and enforced by the site manager.

D. Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, and beach parks.

E. No food or drinks are allowed within enclosed pool and enclosed beach areas with the exception of concessions sold at the Bayou Segnette State Park wave pool.

F. Only Coast Guard approved Type I or Type II Personal Flotation Devices are allowed at swimming areas with the exception of flotation devices provided by the

Office of State Parks at the Bayou Segnette State Park wave pool.

G. No swimming at any beach will be permitted from sunset to sunrise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990), LR 26:27 (January 2000).

### **§315. Amplified Sound Equipment**

A. No person shall play amplified musical instruments within park areas except when approved by the assistant secretary or his designee. No person shall play non-amplified musical instruments, radios, televisions, tape players and similar equipment in such a manner which could disturb other visitors.

B. No person shall operate or use any public address systems, whether fixed, portable, or vehicle mounted, without prior approval of the assistant secretary or his designee.

C. Remote public broadcast activities must be approved by the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000).

### **§317. Disorderly Conduct**

A. Disorderly or boisterous conduct is forbidden.

B. The site manager and his designees are authorized to control the use and consumption of alcoholic beverages in a park. The consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the park by other park users.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000).

### **§319. Business Activities**

A. No one may sell or offer for sale any merchandise or service in a park area without the written consent of the assistant secretary or his designee.

B. No one may distribute, post, place, or erect any advertising device in the park area without the written consent of the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000).

### **§321. Fines and Enforcement of the Rules and Regulations**

A. In addition to any other penalty provided by law, persons violating these rules and regulations are subject to administrative fines for each violation of not less than \$15 nor more than \$250 (R.S. 56:1689), eviction from the park, and/or restitution to the state for damages incurred.

B. Site managers and other park agents, including rangers, watchmen, and guards, may be certified as "Park Wardens." State Park wardens, in addition to the authority otherwise conferred by law upon such officers, are vested with the same authority and powers conferred by law upon regular law enforcement officers of this state. State park wardens have specific authority and responsibility to enforce all rules, regulations, and laws within the limits of their jurisdiction.

C. No person shall enter a park:

1. when the park is closed;
2. without proper registration;
3. in addition to any penalties otherwise provided by law, any person violating this subsection will be subject to an administrative fine of not less than \$25.

E. Park users may be required to furnish specific information upon registration, including but not limited to, vehicle license plate number, a driver's license number, state of residency, place of employment, date of birth, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000).

### **§329. Fees, Fines, and Enforcement of the Rules and Regulations**

A. The use of certain parks and/or facilities is subject to charges which will be imposed by the manager according to the schedule of fees approved by the Office of State Parks. The manager or his agents are responsible for the collection and enforcement of these fees.

B. Persons violating the rules and regulations of the respective parks are subject to fines for each violation of not less than \$15 nor more than \$250 (R.S. 56:1689).

C. Park managers and other park agents, including rangers, watchmen, and guards, if certified as "park wardens," are fully authorized to administer and enforce the rules and regulations applicable to the park areas and are empowered to issue citations and make arrests for violation of these rules and regulations. The manager and his agents, if certified as "park wardens," are permitted to carry concealed weapons (R.S. 56:1689).

D. The assistant secretary or his authorized agent may direct the closing of a park to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the park to a

degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

E. Entering a park when closed or entering a park without proper registration or any effort to avoid payment of user fees is prohibited. Anyone entering a park without proper registration will be subject to a fine of not less than \$25.

F. Park users may be required to furnish specific information upon registration, including but not limited to, vehicle license plate number, a driver's license number, state of residency, place of employment, date of birth, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 19:309 (March 1993).

### **§330. Day Use**

A. Day-use facilities such as barbecue pits, tables, etc., which do not require prior reservations shall not be reserved by placing personal articles at these facilities prior to their immediate use. This includes firewood, ice chests, or any other personal property. The use of all such facilities is on a first come, first served basis.

B. The use of any facility in a park area is subject to certain conditions or policies set down on an individual facility basis by the site manager. These conditions or policies must be approved in writing by the assistant secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:28 (January 2000).

### **§331. Overnight Use**

#### **A. General Provisions - Overnight Use**

1. Any overnight use of a park requires a written permit or cash receipt from the park. Overnight facilities are reserved for the exclusive use of persons properly permitted for the use of overnight facilities and their guests. An exception to this rule will be made for volunteers camping at a state historic site as part of an approved overnight encampment program.

2. Permittee may not transfer or assign any use permit nor sublet any facility or part thereof.

3. The site manager has the authority to require registration of every person occupying a campsite or overnight facility.

4. Any permit may be terminated by the assistant secretary or by the site manager upon the violation of any established park rule, regulation, or any condition of the permit.

5. Lock combinations are issued for the personal use of the permittee, who is prohibited from allowing others to use the lock combination, or otherwise making the facilities open so that others not covered by the permit may enter or leave the facility or area.

6. All overnight facilities have a check in time of 3 p.m. and a check out time of eleven a.m., except campsites, which have a check in time of two p.m. and a check out time of one p.m. Extensions may be approved by the park manager. Subject to availability, overnight facilities may be available to the user before the check in time.

7. Established time schedules (check in and check out) are strictly enforced. Failure to comply without advanced approval of the park manager may result in additional charges and denial of any future use of the facility.

8. Overnight users must maintain a reasonably quiet facility between the hours of ten p.m. and six a.m.

9. No overnight user may erect or display unsightly or inappropriate structures or features which, in the opinion of the park manager, may create a disturbing or otherwise unpleasant condition detrimental to the general park use.

10. No permittee may repair or install any park equipment or furnishings unless authorized and supervised by the park manager.

11. In no case will public residency be allowed in a state park.

12. Parking for boat trailers and additional vehicles may be allowed at the discretion of the site manager or his designee, subject to individual site suitability for such purposes.

13. Permittee waives and releases all claims against the state of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

#### B. Camping

1. With the exception of a campground host, overnight camping and group camp, lodge and cabin use are limited to 15 consecutive days. At the site manager's discretion, and subject to availability, overnight camping may be extended on a weekly basis. No campsite may be vacated for longer than a 24 hour continuous period under any permit agreement.

2. State parks' campgrounds are intended for tents and recreational vehicles only.

3. Campsite occupancy is limited to six persons. At designated group camping areas occupancy limits are set by the site manager or his designee.

4. Campsite configurations within the system vary in size, length, and surfacing materials. Camping spurs are designed to accommodate one camper/pop-up trailer with tow vehicle or one motorized camper and additional vehicle. Additionally, many parks will have designated tent pads adjacent to the spur. The site manager or his designee will have the authority to evaluate additional possible

combinations for on site approval. Due to the numerous possible potential combinations, the following are to be used for general guidelines subject to variance by the site manager or his designee:

a. one camper trailer with tow vehicle (may include pickup camper), one large tent or two small tents;

b. one motorized camper with additional vehicle (may include pickup camper), one large tent or two small tents;

c. one pop-up camper with two vehicles (may include pickup camper), one large tent or two small tents;

d. one pickup camper with additional vehicle, one large tent or two small tents;

e. two vehicles and tent combinations not to exceed three tents.

5. The following camping combinations are applicable only to Grand Isle State Park:

a. one passenger vehicle and two tents (family unit only);

b. one passenger vehicle and one camping trailer;

c. one van-type camping vehicle and one tent;

d. one van-type camping vehicle and one camping trailer;

e. one pickup truck camper and one tent;

f. one pickup truck camper and one camping trailer;

g. one motorized camper (or bus) and one passenger vehicle.

*Beach campsites cannot be reserved.*

#### C. Cabins, Lodges, Other Overnight Facilities

1. A written inventory of movable equipment and furnishings is posted in each overnight structure or will be furnished to the visitor. It is the visitor's responsibility to check the inventory upon occupancy. The visitor must report to the park manager any discrepancy between the actual inventory and the printed inventory. The visitor may be assessed the cost of items which, if not reported as missing or damaged upon occupancy, are missing or damaged when the structure is vacated. Failure to reimburse the Office of State Parks for any missing property or damage to property may result in denial of future use of park facilities.

2. Facility furnishings cannot be moved without the permission of the site manager.

3. Upon termination of any use permit, the facility must be delivered up in good repair and in the same condition in which it was found. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of the facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 26:28 (January 2000).

### **§333. Boundary Designation/Property Posting**

A. The procedures and requirements described herein shall be used for the purpose of establishing the boundaries of the areas on which the enforcement authority of the Office of State Parks may be exercised, pursuant to R.S. 56:1688(c). Notwithstanding any provisions of the law to the contrary, posting in accordance with such requirements shall be construed as being in compliance with the posting requirements of state law and local ordinances for the purpose of defining the crime of trespass and shall not constitute an affirmative defense to a charge of trespass in violation of such law or ordinances on lands under the jurisdiction and control of the Office of State Parks.

B. All lands under the jurisdiction of the Office of State Parks shall be posted, and for the purpose of defining trespass and to provide for the enforcement of rules and regulations of the Office of State Parks and laws of the state of Louisiana the following definitions are adopted:

*Developed Property* Areas administered by the Office of State Parks which are operated in whole or part for public use and benefit.

*Posted Property* Any real immovable property, including but not limited to, lands, water, marsh areas or other such property administered by the Office of State Parks for the purpose of delineating boundaries, limiting use and access, preventing unlawful trespass and providing for jurisdiction for the enforcement of agency law enforcement authority. Physical and visual markings and signs shall be designated herein which shall determine the method for establishing the limits of such "posted property."

*Undeveloped Property* Areas administered by the Office of State Parks which are not operated for public use and benefit. Such areas are usually acquired for future use and development by the agency.

#### **C. Criteria for Posting and Establishing Boundaries**

1. Developed property shall be designated as posted property when the following conditions have been met.

a. The Office of State Parks shall place or cause to be placed and maintain signs along the boundaries of such property, which sign shall be written in the English language and shall contain the following wording: "POSTED," the characters of which shall be at least four inches in height, followed by the words: "Office of State Parks," the characters of which shall be at least 1 inch in height, followed by the words: "Do Not Enter Except At Public Access Points," the characters of which shall be at least 2 inch in height.

b. The color of such signs shall be yellow background overprinted in black characters.

c. The Office of State Parks shall place and maintain such signs along the boundary of all developed property at intervals of not more than  $\frac{1}{2}$  mile. Such signs shall face in a direction so as to be visible before entering upon state parks' property.

d. Such signs shall be placed on trees, posts or other supports at a distance of at least 3 feet above ground level and not more than 10 feet above ground level.

e. Public access points to developed areas shall be clearly identified with entrance signs or other obvious means of establishing public entry.

2. Undeveloped property shall be designated as posted property when the following conditions have been met:

a. The Office of State Parks shall place or cause to be placed and maintain signs along the boundaries of such property, which sign shall be written in the English language and shall contain the following wording: "POSTED," the characters of which shall be at least 4 inches in height; followed by the words: "NO HUNTING, NO TRESPASSING, Office of State Parks" the characters of which shall be at least 1 inch in height.

b. The color of such signs shall be yellow background overprinted in black characters.

c. The Office of State Parks shall place and maintain such signs along the boundary of all undeveloped property at intervals of not more than  $\frac{1}{2}$  mile. Such signs shall face in a direction so as to be visible before entering upon state parks' property.

d. Such signs shall be placed on trees, posts or other supports at a distance of at least 3 feet above ground level and not more than 10 feet above ground level.

3. In areas such as marsh lands or where boundaries occur over water bodies, signs shall be placed at major points of ingress to the area.

#### **D. Penalties**

1. Any person entering any such area as herein posted except at designated public access points or unless possessing written permits or permission from authorized agents of state parks shall be cited for criminal trespass violations and shall be subject to fines for each such violation of not less than \$15, nor more than \$250 (R.S. 56:1689).

2. Any person who removes, destroys or willfully damages any posted signs as herein described or relocates such signs from its original location shall be subject to fines for each such violation of not less than \$15 nor more than \$250 (R.S. 56:1689).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 11:100 (February 1985), amended LR 12:89 (February 1986).



## Chapter 5. Procedures and Fees

### §501. Operating Schedule

#### A. State Parks

1. All state parks that do not have a boat launch open at 7 a.m. and close at 9 p.m. year round. All state parks that have a boat launch capable of launching a motorized vessel and ones that are not designated for campers only, will open at 6 a.m. and close at 9 p.m. year round. A park attendant is on duty Fridays, Saturdays, and on days preceding holidays until 10 p.m. to register incoming campers and other overnight users only. Based upon user demand, and available staff and other resources, the hours of operation at each park site may be varied at the direction of the assistant secretary or his designee.

2. Pools and enclosed beach areas are usually operated from Memorial Day weekend through Labor Day weekend, subject to an operating schedule per individual park. All pools are closed on Mondays, except holidays.

B. State Historic Sites: Year-round schedule COpen 9 a.m.-5 p.m.; closed Christmas Day, New Year's Day, Thanksgiving Day.

C. State Preservation Areas: Year-round schedule COpen 9 a.m.-5 p.m. Closed Christmas Day, New Year's Day, Thanksgiving Day.

D. Temporary Operating Schedule: Some areas are not fully operational pending completion of programs or facilities. Also, because of budgetary or legislative mandates, operational schedules may change. Visitors should contact the site manager or the administrative office for information regarding sites with part-time operating hours and special group tour arrangements.

E. The assistant secretary or his designee may direct the closing of a park to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the park to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 26:29 (January 2000).

### §503. General Admission Fees

#### A. State Parks General Admission Day-Use Entrance Fees

1. A day-use fee is charged at all state parks (except St. Bernard State Park). Noncommercial vehicles with up to four people are charged \$2 per day and each additional person is charged \$.50. Walk-in visitors are charged \$.50 per person for the day. Buses used as public conveyances are charged \$60 per day. For the purpose of this rule, buses,

whether privately or commercially owned and operated, shall be considered any conveyance which is capable of transporting 20 or more individuals. Discounts are not applicable to bus groups unless prior approval has been granted in writing by the assistant secretary subsequent to verification that the entire group is composed of senior citizens, veterans, or other individuals entitled to a discount or fee waiver.

2. All prices include state and local taxes. In any cases where entrance fees are charged, there is no additional charge for the use of picnicking (except group shelters when reserved for exclusive use), boat launching, or swimming facilities (exception: St. Bernard State Park and Bayou Segnette State Park).

a. St. Bernard SP swimming pool fee is \$2 per person-no entrance fee.

b. Bayou Segnette SP wave pool-in addition to the entrance fee and all other user fees: Adults (over 48") \$8 per day, Children (under 48") \$6 per day. The price includes one flotation device per person. Discount coupons available when purchased in quantity lots.

3. A self-service fee system may be used to collect user fees on areas normally served by an entrance control station. During these times all reservation guests or others requiring registration shall sign in at the office during the normal business hours or with a ranger placed in the entrance station at hours when the office is not operated.

#### B. State Historic Sites General Admission Fees

1. An admission fee of \$2 per adult is charged for all state historic sites (exception: Locust Grove and Los Adaes, which have no admission charge). There is no admission charge for children age 12 and under. Admission entitles visitors to all facilities and regular programs which may be offered at the historic site. Special programs and events may include special admission rates. The payment of the admission fee at one historic site entitles guests to enter all historic sites on the same day with no additional charge. The receipt from the first site must be presented for admission to subsequent sites.

2. Organized groups of 10 or more are requested to notify the park manager in advance of their arrival. There is no additional fee for SHS visitors arriving by bus.

C. State Preservation Areas General Admission Fees. An admission fee is not currently charged at the state preservation areas in operation.

#### D. Boating

1. Rental boats are available in most parks. The use of motors on these boats is limited to the manufacturer's recommended horsepower capacity.

2. The standard rate for rental boats with three life jackets and two paddles is \$10 per boat per day. Additional life jackets are available at a rental fee of \$1 each per day.

3. A refundable deposit of \$10 per boat is required at the time of rental. This deposit will be forfeited if the boat

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and its accessories are not returned in the same condition as rented.

4. At some sites rental boats, kayaks, canoes and other water vessels may be available through the park or through a concessionaire. Visitors should contact the site to check availability and rates.

E. Fishing Piers. A fishing pier extending into the Gulf of Mexico is located at Grand Isle East State Park. A fee is charged for day or night fishing on the pier in addition to the regular day-use or overnight-use fees. Fees are \$2 per person over 12 years of age and \$1 for children 12 years of age and younger.

### F. Group Rental Pavilions

1. Group rental pavilions are available at most state parks and state historic sites. The rental rate varies, depending upon the size and location.

2. Exclusive use of a group pavilion can only be made by a rental permit and payment of a rental fee. These group pavilions can be reserved in advance with payment of the rental fee.

3. Reserved pavilions will be posted, indicating the name of the party and date of use. When such pavilions are not so posted or reserved, they are available to the park user on a first come, first served basis as any other non-reserved park pavilion.

4. In addition to the rental fee, users of the reserved group shelters will also be charged the normal day-use entrance fee to the park.

5. The carrying capacity of a group rental pavilions is based on its size, facilities and available parking, and may not be exceeded as determined by the site manager.

6.a. Type I Pavilion. These pavilions, usually located in the day-use area, accommodate a standard of 40 people. Reserve rental rate is \$40 per day.

b. Type II Pavilion. These pavilions, usually located in the day-use area, accommodate 60 people. Reserve rental rate is \$60 per day.

c. Type III Pavilion. These pavilions are usually separated from the day-use area, affording more group privacy than the other pavilion types. They may accommodate 100 people. Reserve rental rate is \$100 per day.

G. Meeting Rooms. Meeting rooms used to accommodate meetings and functions of private groups, clubs and other organizations are available at a rate of \$125 per day during normal park operating hours. Kitchen facilities may be used, if available.

### H. Exemptions

1. Senior Citizens. Any citizen of the state of Louisiana who is identified as sixty-two years of age or older shall be exempt from paying the general admission charge to any state park in Louisiana. Any person accompanying a citizen of the state of Louisiana who is

sixty-two years of age or older, as the driver of a single, private, noncommercial vehicle, or alternatively, the exempted persons spouse and children accompanying him or her where entry to the area is by any means other than private, noncommercial vehicle, shall be exempt from paying the general admission charge to any state park in Louisiana (R.S. 56:1692).

2. Disabled Veterans. A special Veteran Entrance Permit allows any disabled U.S. veteran and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the entrance fees only at those sites which collect such fees through a vehicle permit. Where individual fees are charged only those properly recognized disabled U.S. veterans are exempt. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs Service Office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the assistant secretary of the Office of State Parks will issue a permit directly to the applicant.

3. School Groups-Any child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any site.

4. Golden Access Passport. Any citizen of the United States who possesses a Golden Access Passport issued by any agency of the United States, pursuant to 16 U.S.C. Section 460 L-65, upon presentation of the Golden Access Passport and proper identification to any state park authorities, shall be exempt from the day-use entrance fee to any Louisiana state park. On areas where individual day-use fees are charged, the exemption shall apply only to the passport holder; however, where vehicle permits are utilized, the exemption shall apply to the permit holder and each occupant accompanying the permit holder in the same private non-commercial vehicle.

5. Non-Profit Community Home Based Organization-Any child age 18 or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public, non-profit community home based organization or "provider" shall be exempt from paying the general day-use entrance fees or any other day-use fee at any site. Such use must be in conjunction with an organized group outing or event sponsored and supervised by the public, non-profit organization or "provider".

a. Certification of the eligible organization or "provider" must be made in writing to the Office of State Parks, and the agency shall in turn recognize such certification prior to eligibility for this exemption.

b. This exemption shall not be applicable to day-use functions at any state park overnight facility such as group camps, cabins, campgrounds, etc.

### I. Annual Day-Use Permits

1. Annual Day-Use Permits are available at a cost of \$30 per year. This permit, in the form of a wallet I.D. card,

allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all sites in lieu of the normal day-use fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in which the permit holder is a passenger or driver are also admitted without charge.

a. The wallet permit may be exchanged for a vehicle decal which shall be permanently affixed to a vehicle, if this is a more convenient permit arrangement.

b. The Annual Day-Use Permits are valid for a period of one year beginning January 1 and ending December 31 annually. Permits may be obtained at any site.

2. The annual day-use permits are valid for exemption of the general admission day-use charge only.

J. From time to time, as deemed appropriate by the assistant secretary, special programs, occupancy regulations, or discounts on user fees may be offered in order to encourage visitation. These special promotional offers must be reviewed and reauthorized annually.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1693.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 26:29 (January 2000).

#### **§504. Fees and ExemptionsC Overnight Use**

##### **A. Camping Fee**

1. An improved campsite rents for \$12 per night. An unimproved campsite rents for \$10 per night. For information regarding campsite reservation fees, see Reservation Policy, §505.

2. Each campsite is restricted to use by one camping unit. Improved sites are equipped with picnic table, grill, electricity and water hookups.

3. Designated primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are charge of \$1 per person, per night, except the tepee area at Fontainebleau State Park where the charge is \$30 per group per night. Capacity level will be set by the site manager.

**B. Rally Camping Areas** are those designated and reserved for use by organized groups of overnight campers. These areas differ from the normal state park campgrounds since they are available for group use only.

##### **1. Fees**

a. A fee of \$50 per night is assessed to the group for the exclusive use of the area, and each individual camper rig is also charged the improved campsite rate.

b. The day-use fee for a rally campground is \$50 per day for the group, and in addition the standard day-use entrance fee is charged per vehicle.

3. Carrying Capacity-A maximum carrying capacity for rally sites is established by individual parks, and

information concerning these capacities is available through the individual park offices.

**C. Golden Age/Golden Access Permit.** Any citizen of the United States who possesses a Golden Age and/or Golden Access Passport issued by an agency of the United States, pursuant to 16 U.S.C. Section 460, and any person accompanying the holder of the passport in a camper rig as defined in Chapter 3, Subsection 311 H, of the rules and regulations of the Office of State Parks will be entitled to a 50 percent discount on any overnight campsite rentals. Proof of identification will be required.

##### **D. Backpacking**

1. Backpacking is available only at Chicot State Park at the present time. A permit is required for all overnight backpacking use and may be obtained at the park entrance station.

2. Each person will be assessed a fee of \$1 per night. A copy of the backpacking regulations can be obtained at the park entrance station.

3. Backcountry camping or backpacking is defined as camping in undeveloped areas of the park where there are no designated campsites and no facilities provided. These areas are reached by backpacking or by non-motorized boats.

##### **E. Canoe Camping**

Canoe camping at primitive campsites is available at Lake Fausse Pointe State Park and Lake Claiborne State Park. The unimproved campsite rental fee of \$10 is charged for use of these areas.

##### **F. Cabins and Lodges**

##### **1. Cabins**

Classification	Overnight Rate	Bedding Accommodations	Maximum Capacity
Deluxe	\$65	6	8
Modular	\$60	6	8
Standard	\$50	4	6
Rustic	\$45	4	6

2. **Park Lodges**-These are large overnight structures equipped with kitchen, bath and sleeping facilities and can accommodate a large family or several family groups.

Classification	Overnight Rate	Bedding Accommodations	Maximum Capacity
Large	\$90	12	14
Small	\$90	7	9

##### **G. Group Camps**

Group camps are available at certain parks for organized group use. The capacity, type of facility, and rates are as follows:

Classification	Overnight Rate	Day Rate	Maximum Capacity
Class III	\$300	\$200	100+
Class II	\$125	\$75	50+
Class I	\$75	\$50	30+

1. Group camps may be reserved for day use only at a basic rate. In addition, the normal day-use entrance fee will be assessed each vehicle entering the group camp area.

2. Beds, kitchen and necessary cooking ware are furnished. User must furnish his own tableware (silver, dishes, glasses, etc.), bed linens, pillows, towels, and toilet necessities.

#### H. Special Research Dormitory Facilities

1. Purpose. The primary purpose of the research dormitory is to provide living space and sleeping accommodations for professional researchers and students who are actively conducting on-site research. The dormitory can be used on a first come, first served basis by other individuals who meet the requirements as set forth in this policy statement.

2. Eligible Users. The dormitory is available to college students, professional archaeologists and other scientists and professionals who are studying the site and/or actively conducting research which relates to or directly involves the site or nearby sites of significance.

*Requests for use of the dormitory by individuals or groups not meeting the above criteria will be reviewed to determine merit and appropriateness.*

3. Application Process. Requests for use of the dormitory must be made by letter addressed to the site manager. The site manager and the assistant secretary will review the request and respond in writing to the applicant.

#### 4. Facility Use Agreement

a. All parties granted permission to use the dormitory must execute a Facility Use Agreement.

b. The user must execute the agreement and return it to the site manager before occupying the dormitory.

5. Research Dormitory Fees. All user groups, unless otherwise authorized by the assistant secretary, will be required to pay a \$100 per night fee for overnight use. The rental fee must be received within 10 days after the user receives written approval to use the dormitory.

#### 6. Research Dormitory Occupancy Requirements

a. Registration with the site manager is required of all boarders before occupying the dormitory. This information will include name, organization, address, and home or business phone numbers.

b. Keys to the dormitory can be obtained from the site manager. One group leader will assume responsibility for the keys and return them to the manager before leaving.

c. General cleanup of this facility will be the responsibility of the user. The user will follow established cleanup and housekeeping procedures distributed by the manager.

d. Research Dormitory Check-out time is 2 p.m.

7. Special Conditions. All programs and activities conducted by groups or individuals using the dormitory must be approved in writing by the site manager.

8. The site manager has the administrative responsibility for all matters relating to the daily operation of the dormitory building and site facilities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1693.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:30 (January 2000).

### §505. Reservation Policy

#### A. General Provisions

1. Reservations may be made for all facilities at state parks by calling the State Parks Reservation Call Center. Overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved 11 months in advance. For example, if a park user wants to use a facility on July 2, he may make the reservation no earlier than August 2, or the first business day after August 2, of the prior year.

2. The Call Center will operate 8 a.m. to 4:30 p.m., Monday through Friday. The Call Center will close for state holidays. Based upon demand, the Centers hours may be extended by the assistant secretary or his designee. Reservations may also be made on-line.

3. Reservations are accepted only from person 18 years of age or older. All persons under 18 years of age must be accompanied by adults when using reserved facilities.

4. Deposit in full must be received within 10 days of the date the reservation is made otherwise the reservation is canceled. Payment may be made by credit card, in-state personal check or money order. If the reservation is made within fourteen days or less of the usage date, payment will be made by credit card only.

5. A cancellation of a reservation initiated by park users is subject to a surcharge. The cancellation fee is a minimum of \$10 per facility. If the reservation is canceled within fourteen days of the first day of intended use, the cancellation fee is the cost of one day's use or \$10 per facility, whichever is more.

6. In the event reservations must be canceled for maintenance or emergency reasons by park staff, the rental fee will be refunded in full. Requests for waivers of the cancellation fee must be made in writing to the assistant

secretary or his designee and will be granted only for extreme situations.

7. Reservations may be transferred from one date to another or one site to another based on availability for a \$10 transfer fee.

8. For cabins, lodges, group camps, rally shelters and camping a two day minimum reservation is required for weekends. The minimum may be met by reserving the facility on Friday and Saturday nights, on Saturday and Sunday nights or for all three nights. If facilities are not reserved in advance, they may be rented on weekends for one night to walk-up users using the facilities that day. Exceptions may be granted by the Assistant Secretary or his designee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1693.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 26:32 (January 2000).

#### **§506. Refunds**

A. Refunds will not be issued to visitors evicted for enforcement or disciplinary reasons.

B. Refunds may be made at the park upon approval of the site manager or his designee for those fees paid at the park for the following reasons:

1. in emergency situations where the park must be closed due to natural or man-made emergencies (water shortage, fire, weather, and equipment failure);

2. when a user chooses to leave a park before use of any facilities;

3. when the user chooses to leave a park before utilizing facilities for the total reservation period, the unused reservation period amount will be refunded minus the cancellation fee detailed in §505.1. An exception would include weekends which require a minimum reservation period.

C. All park-issued refunds will require that the visitor present a valid paid receipt for the amount of the requested refund.

D. All advance reservation refunds must be issued through the administrative office in accordance with §505.1.

E. Visitors are encouraged to request a temporary visitor pass for the purpose of inspecting the park facilities prior to an anticipated visit.

F. Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the park as a result of inclement weather.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633

(December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:32 (January 2000).

#### **§507. Special Uses and Restrictions**

A. **Special Use.** Any function requiring special or restricted use of any facility or area within a state park holding must be approved by the assistant secretary and the fee for such will be computed on a negotiated rate unless otherwise established. Written request for special use of a facility must be received at the Office of State Parks, Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

B. **Political Activities.** Political events involving the use of state park areas are discouraged; however, each event is considered on an individual request basis and, if approved, will be authorized by the assistant secretary. Such activities will be considered only when, in the judgement of the assistant secretary, the function will not adversely affect the normal programmed use of the area by the general public. Requests for such events must be submitted in writing to the assistant secretary at least 30 days in advance of the proposed use. Such events will be considered "Special Use Events" and fees and permits will be regulated by the special use provisions herein. No political candidates or organizations will be granted, or shall expect to receive, special consideration for use or fee waivers.

#### **C. Use Restrictions**

1. A State Historic Site is an area which possesses a historical, cultural, or memorial significance when judged on a statewide basis. Activities and uses of historic sites are limited to those appropriate to the significance of each site as defined by the master plan and interpretive prospectus of the unit.

2. It is necessary that development on a state historic site be limited to that which is essential for visitor accommodation and enjoyment of the area's theme or feature. Day-use facilities will be limited to activities that do not conflict with the historical theme and confined to section(s) set aside for such purposes. Historic zones will be established to protect the resource and insure most conducive use of each state historic site. Space outside of the historic zone(s) and maintenance area(s) may be set aside for recreational use at the discretion of the site manager.

3. The atmosphere created on the historic site is as important as the artifactual evidence. In order that the greater interest and primary function of the area be served, it is necessary to restrict certain incompatible activities from the sites. Any sport or recreational activity that does not contribute to a greater understanding of the theme of the area is prohibited within all historical zones of any state historic site. Recreation zones appropriate for such use may be designated by the site manager if space permits. No organized league activities will be allowed on the grounds of any state historic site.

4. It has also been determined that the use of state historic sites for such activities and events as fairs, circuses, carnivals, amusement rides, and other promoter sponsored,

commercial activities and events is not deemed in the best interest of the state historic sites. Such use fails to achieve the intent outlined in the preservation purpose and may increase the potential for serious damage to the quality and character of the area, adversely affecting the experience of the visitor. At Rebel State Historic Site, because of the theme of the area, musical events sponsored by promoters will be permitted with the approval of the assistant secretary or his designee.

5. Organizations offering support to historic sites, parks, and preservation areas either one in particular or on a general basis, such as historical societies, friends groups or service groups, may be permitted special functions at a site if a written request is made and written permission is obtained from the assistant secretary. Such functions may not be specifically for the benefit of an individual, but must be held to benefit the site, either directly or indirectly, through greater public awareness in of the site or history of the area, or to assist the agency in the fulfillment of its mission and purposes.

#### D. Passenger Bus Restrictions

1. In an effort to facilitate control of the day-use carrying capacity for state parks (excluding state historic sites), no buses nor occupants thereof shall be admitted to state parks except by special permit for any day-use activities on weekends or holidays during the period Memorial Day weekend through Labor Day.

2. Special Bus Use Permits-Any access to state parks by bus transportation on weekends or holidays during the period between Memorial Day and Labor Day will require a special bus use permit. The application for the permit must be submitted to the site manager at least three days prior to the proposed use date along with the group's proof of \$1,000,000 liability insurance naming the Department of Culture, Recreation and Tourism and the Office of State Parks as additional insureds, and proof of \$500,000 automobile or bus liability insurance. Children traveling to state parks must be chaperoned by adults. The permit, if approved, does not cover other special day-use charges (rental pavilions, etc.).

E. Dump Station Use. Users with recreation vehicles who desire to utilize only the dump station facilities on any state park shall be charged the day-use entrance fee. Discounts are not applicable to this use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:779 (November 1988), LR 19:313 (March 1993), LR 26:32 (January 2000).

#### §509. Special Features

Sculpture and Monuments Policies regarding such sculptures or monuments are as follows.

1. The proposed monument or statue shall have a theme which is in keeping with the theme of the area or park in which it is to stand and shall be of general interest.

2. The monument shall be commissioned through a recognized professional artist based upon models and/or drawings submitted by artists in open competition. The models will be reviewed by the sponsoring agency and the Office of State Parks, a monument or statue agreeable to both parties selected from the competition.

3. Should an existing sculpture or monument be proffered, it will be considered as would any other donation of a piece of art. The sculpture will be reviewed by the Office of State Parks, the Office of Cultural Development and the sponsoring agency to determine whether or not the proposed site is a fitting receptacle of the object. Once accepted, the same stipulation as to placement and erection, ownership, etc., applies to it as to commissioned pieces accepted after competition.

4. Any foundation construction, pedestals, or supportive apparatus for the statue or monument shall also be presented to the review committee for their approval at the time of the general competition or proposal.

5. The Office of State Parks shall be responsible only for the site on which the proposed sculpture is to be placed and it is the prerogative of that office to select the site location for the sculpture.

6. No portion of the project is to be initiated until the sponsoring agency has certified to the Office of State Parks that funds have been secured and are on deposit in sufficient amount to bring the project to completion.

7. The Office of State Parks shall in no way be financially obligated to the artist, subcontractors, or sponsoring agency for any cost associated with the preparation or placement of the proposed monument or sculpture.

8. After the sculpture or monument is placed on the site, it shall become the property of the Office of State Parks.

9. The sponsoring agency shall be solely responsible for the fiscal management of the project and shall receive all donations, grants, and other means of financing and shall also disburse all payments relative to the preparation and erection of the monument. All financial records shall be subject to the review of the state legislative auditor and shall comply with sound accounting practices and procedures.

10. The Office of State Parks shall review and approve all literature and promotional material relating to the project which includes any reference to, or utilizes the name of the State of Louisiana, Department of Culture, Recreation and Tourism, Office of State Parks, or name of the area or park on which the statue is to be placed.

11. In the event the project fails to materialize within a certain length of time to be specified in contract and the project is terminated, the Office of State Parks shall not be responsible in any way for funds and donations acquired by the sponsoring agency, their return, or disbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986).

# **§511. Museum Procedures**

## **A. Policy of Accessions**

1. All donations to the Office of State Parks will be considered unconditional and permanent gifts to the citizens of Louisiana unless originally classified as a loan to this agency or unless special conditions are mutually agreed to in writing at the time of accession by both receiver and lender.

2. All donations to the Office of State Parks are tax deductible. It is not the policy of this agency, however, to assume responsibility for appraisals of said donations, but it may assist the donor in locating reputable and qualified appraisers.

3. The Office of State Parks will accept donations in the form of collections (two or more related pieces) only with the understanding that said collections may not necessarily be kept intact, but may be separated at the discretion of this agency.

4. The Office of State Parks will not accept donations based on an understanding that said gifts will be displayed permanently or in a specific way, or that they will be retained in a given location indefinitely.

5. The Office of State Parks will consider loans from individuals for a period not to exceed five years. Loans on an indefinite basis will not be accepted from individuals but may be acceptable from established museums and institutions. Each loan will be considered on an individual basis, and special conditions may apply to each loan.

At the end of the initial five year period, the lender will be contacted and determination made whether to extend or terminate the loan, based on mutual agreement. It is hoped that at the end of this initial loan period the lender will consider converting the loan into a permanent gift to the citizens of Louisiana.

6. Loans will be returned to the lender only, or to a duly and legally authorized agent or representative of same.

Loans may be removed by the lender or his or her agent 60 days after written notice of this intent is received by the Office of State Parks.

7. It may, on occasion, become necessary to terminate the loan prior to the aforesaid five-year period. Should this be the case, the lender shall be notified by registered mail. Having been thus notified, and the item(s) not withdrawn within 90 days from the notification date, the item(s) involved shall thereafter be considered an unrestricted gift to the Office of State Parks, which then shall have the absolute right to dispose of said property in any manner it may deem most suitable.

8. The Office of State Parks cannot be responsible for the conservation or restoration of items on loan.

9. When required, the Office of State Parks will seek items of a specific nature on a short term basis (usually not to exceed six months) for special exhibits and displays.

10. The Office of State Parks will exercise the same care of items on loan as it does the upkeep and safe keeping of its own property.

11. The Office of State Parks may, at its discretion, alter any exhibits or displays under its jurisdiction whereby items on loan, or gifts, may be removed entirely from a specific exhibit area. At such time, the item may be relocated within the system or stored for possible future use. Should said item be on loan, the lender may then be notified by the Office of State Parks that the item is no longer required. At such a time, the stipulations set forth in '511.A.7 shall prevail.

12. The Office of State Parks reserves the right to place donation or loan items wherever it believes to be the most appropriate location within the parks' system. Such location may also change periodically at any time during the duration of the loan or donation.

13. The Policy of Accessions is designated as Form K-1 for administrative purposes.

B. A permanent Acquisition Form (Form K-2) and a Loan Receipt Form (Form K-3) are used to receive and document donations and loans.

CULTURAL RESOURCES

FORM K-3

LOAN RECEIPT FORM

OFFICE OF STATE PARKS  
DEPARTMENT OF CULTURE, RECREATION AND TOURISM  
P.O. DRAWER 1111  
BATON ROUGE, LOUISIANA 70821

Date \_\_\_\_\_  
Accession No. \_\_\_\_\_

Received from \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

I/We do hereby loan to the Office of State Parks, State of Louisiana, the item(s) listed below, and I/We do state that the subject item(s) are my/our personal property, free and clear, to dispose of in any manner which I/We may determine, and also avow that I/We hereby acknowledge the actual delivery of the item(s) listed below to said Office of State Parks.

It is understood that this loan is subject to all conditions set forth in the Accessions Policy of the Office of State Parks, a copy of which is hereto attached.

\_\_\_\_\_ Special Condition(s) related to this loan are incorporated below.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Lender or Authorized Agent

\_\_\_\_\_ Insurance coverage obtained; date: \_\_\_\_\_

The Office of State Parks hereby acknowledge receipt of the item(s) listed and described below.

Witness: \_\_\_\_\_  
Assistant Secretary  
Office of State Parks

Witness: \_\_\_\_\_

Sworn to and subscribed, before me, on this, the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the Parish of \_\_\_\_\_.

Notary: \_\_\_\_\_

DESCRIPTION	ACCESSION NUMBER	VALUE, AND SOURCE OF APPRAISAL



## FORM K-2

## PERMANENT ACQUISITION FORM

OFFICE OF STATE PARKS  
DEPARTMENT OF CULTURE, RECREATION AND TOURISM  
P.O. DRAWER 1111  
BATON ROUGE, LOUISIANA 70821

Date \_\_\_\_\_  
Accession No. \_\_\_\_\_

Received from \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_  
Check the following appropriate line(s):

\_\_\_\_\_ I/We do hereby, unconditionally and without reservation, donate to the Office of State Parks, State of Louisiana, the item(s) listed below:

\_\_\_\_\_ I/We do hereby sell to the Office of State Parks, for that agency's unrestricted use, the item(s) listed below, for and in consideration of the sum of \$ \_\_\_\_\_, the sufficiency of which I/We hereby acknowledge.

I/We do also state that the subject item(s) are my/our personal property, free and clear, to dispose of in any manner which I/We may determine, and

It is understood that this transfer of ownership is made under the conditions of the Accessions Policy of the Office of State Parks, a copy of which is hereto attached.

\_\_\_\_\_ Special condition(s) related to this donation are incorporated below.

Witness: \_\_\_\_\_ Signature (Donor): \_\_\_\_\_

Witness: \_\_\_\_\_ Signature (Donor): \_\_\_\_\_

Sworn to and subscribed, before me, on this, the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the Parish of \_\_\_\_\_.

Notary \_\_\_\_\_

\_\_\_\_\_ Insurance coverage obtained; date: \_\_\_\_\_  
The Office of State Parks hereby acknowledges receipt of the item(s) listed and described below.

Witness: \_\_\_\_\_

Assistant Secretary  
Office of State Parks

Witness: \_\_\_\_\_

Sworn to and subscribed, before me, on this, the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the Parish of \_\_\_\_\_.

Notary \_\_\_\_\_

DESCRIPTION	ACCESSION NUMBER	VALUE, AND SOURCE OF APPRAISAL

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

## Chapter 7. Facilities

### §701. Office of State Parks Operating Units

A. Audubon State Commemorative Area is located in West Feliciana Parish, near St. Francisville on LA 965. The 100-acre woodland setting is the site of Oakley Plantation House, built in 1799, where artist-naturalist John James Audubon created many of his famous bird paintings. Oakley has been restored as a museum containing Audubon memorabilia. Formal gardens accent the exterior of the house. The house is included on the National Register of Historic Places.

B. Bayou Segnette State Park is located in Westwego off U.S. 90 near its intersection with Drake Avenue, across the Mississippi River from New Orleans. The 580-acre park includes a large boat launch, 20 vacation cabins, a camping area, group camp, and picnic area.

C. Centenary State Commemorative Area is located at East College and Pine Streets in the town of Jackson in East Feliciana Parish. The site includes the West Wing Dormitory and Professor's Residence of the state's original Centenary College, as well as the history of education in Louisiana.

D. Chemin-A-Haut State Park is located east of U.S. 425, 10 miles north of Bastrop. The 503-acre park, lying at the intersection of Bayous Chemin-A-Haut and Bartholomew is a portion of the high road to the south used by Indians in their seasonal migrations. A beautiful lake in the park is stocked with freshwater fishes. Cabins and a camping area offer overnight accommodations. A swimming pool and a playground are also available.

E. Chicot State Park is located in North Evangeline Parish, six miles north of Ville Platte on LA 3042. This 6,162-acre park features large rolling hills, surrounding a 2,000-acre artificial lake, well stocked with fishes such as bream, bass and crappie. Two camping areas, fully equipped cabins and two group camps are available to overnight visitors. Day-use facilities include picnic sites, a hiking trail and a swimming pool.

F. Cypremort Point State Park is located 24 miles south of Jeanerette off LA 319 in Iberia and St. Mary Parishes. The 185-acre site offers access to the Gulf of Mexico. Its man-made beach, located in the heart of a natural marsh, offers fresh and salt water fishing and most seashore recreation opportunities. Picnic sites are also available. The park is a favorite for sail-boaters and it hosts several annual regattas.

G. Fairview-Riverside State Park is located two miles east of Madisonville in St. Tammany Parish on LA 22. The park consists of 99 acres of picturesque, moss-draped oaks and woodlands near the banks of the Tchefuncte River. Boat dock, fishing pier and canoe trail offer many opportunities

for fishermen and other water sportsmen. Campsites and picnic facilities are available.

H. Fontainebleau State Park is located southeast of Mandeville in St. Tammany Parish on U.S. 190. The park embraces over 2,809 acres on the north shore of Lake Pontchartrain. The ruins of a plantation brickyard and sugar mill and an alley of live oaks lining the entrance road are popular assets of the park. The park offers swimming, fishing, camping and picnicking. A nature trail is very popular.

I. Fort Jesup State Commemorative Area is located just off LA 6, formerly the original El Camino Real. This site features an original kitchen/mess building and a museum. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. Fort Jesup is a National Historic Landmark.

J. Fort Pike State Commemorative Area is located adjacent to the Old Spanish Trail (U.S. 90) in eastern New Orleans. The fort, set on a 94-acre site, was constructed shortly after the War of 1812 to defend navigational channels leading into the city of New Orleans. Visitors can stroll through authentic brick archways and stand overlooking the Rigolets, as sentries once did. A museum exhibits numerous artifacts related to the fort. The facility is included on the National Register of Historic Places.

K. Fort St. Jean Baptiste State Commemorative Area is located in downtown Natchitoches, oldest town in the Louisiana Purchase. The reconstructed facility is an exact replica of the fort as it existed in 1732. It includes a long barracks building, small warehouse, chapel, mess hall and several Indian huts. The fort was a strategic outpost for the French to prevent the Spanish from advancing further into Louisiana. Park personnel wear period dress as part of the interpretive program.

L. Grand Isle East State Park is located on the east end of Grand Isle on LA 1 in Jefferson Parish. This 120-acre site offers access to the Gulf of Mexico and its beach and fishing jetties afford seashore recreation opportunities. A 400-foot fishing pier built out over the water offers day/night fishing. Picnicking and camping are also available.

M. Lake Bistineau State Park is located east of LA 163 in Webster Parish, near Doyline. This beautiful 750-acre park is set in the heart of a pine forest and takes its name from the large lake which borders the site. Cabins, two group camps, 67 campsites, 150 picnic sites and two swimming pools are available for visitors.

N. Lake Bruin State Park is located east of U.S. 65 near St. Joseph in Tensas Parish. The park takes its name from the adjacent natural oxbow lake and features a magnificent cypress growth along the shore. Waterskiing and boating are prime pleasures of the park. A special area for swimmers, picnic sites and campsites are also available.

O. Lake Claiborne State Park is located in Claiborne Parish on LA 146, just seven miles southeast of Homer. The park consists of some 620 acres of woodland touching the

shores around a 6,400-acre lake. Rental boats and several boat landings are available to fishermen and water sportsmen. Designated swimming area in the lake, picnic sites and campsites facilitate the park.

P. Lake Fausse Pointe State Park is located on the West Atchafalaya Protection Levee Road about 12 miles east of St. Martinville. At the edge of Louisiana's largest watery wilderness, the Atchafalaya Basin, the park offers camping, vacation cabins, hiking, boating, picnicking, a camp store and fishing.

Q. Locust Grove State Commemorative Area is located northeast of St. Francisville in West Feliciana Parish off U.S. 61. In this one acre cemetery are buried Sarah Knox Taylor, wife of Jefferson Davis, and General Eleazor W. Ripley, who was noted for his distinction at the Battle of Lundy's Lane during the War of 1812.

R. Longfellow-Evangeline State Commemorative Area is located in St. Martinville along the banks of Bayou Teche. Developments center around an Acadian house of mid-19th century and its kitchen-garden. Also of note is the Acadian craft shop. The 157-acre park and its structures interpret the history of the early French settlers of Louisiana. The house is a National Historic Landmark.

S. Los Adaes State Commemorative Area is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. An important archaeological site, Los Adaes is a National Historic Landmark.

T. Louisiana State Arboretum State Preservation Area is located on LA 3042, approximately eight miles north of Ville Platte and a mile and a half from the main entrance to Chicot State Park in Evangeline Parish. The 301-acre facility features several miles of nature trails which lead beside more than 100 species of plant life native to Louisiana. The plants are labeled. Herbarium on site contains preserved specimens of the native plant life. Tours are offered.

U. Mansfield State Commemorative Area is located four miles south of the town of Mansfield. This park is the site of the most important battle of the Civil War fought west of the Mississippi. The 44-acre site includes a museum noted for its variety of military artifacts. The interpretive program explains how the badly outnumbered Rebels defeated the Union army, ending the Red River Campaign. The site is included in the National Register of Historic Places.

V. Marksville State Commemorative Area is located adjacent to the town of Marksville, east of LA 1 and LA 452. The park area is of great archaeological significance due to the discovery of buried evidence of an Indian culture which flourished some 2,000 years ago. Visitors can enjoy prehistoric Indian mounds located on a bluff overlooking Old River. Interpretive program and museum adds to visitor enjoyment. The facility is a National Historic Landmark.

W. North Toledo Bend State Park is located off LA 3229 about six miles west of Zwolle in Sabine Parish. Situated in

the rolling pine forests bordering Toledo Bend Reservoir, one of the country's prime fishing lakes, the park features camping, fishing, hiking, picnicking, vacation cabins, a group camp, swimming pool and camp store.

X. Port Hudson State Commemorative Area is located on U.S. Highway 61, 14 miles north of Baton Rouge. The 643-acre site includes original Civil War earthworks which were the site of the 1863 siege of Port Hudson, a struggle for control of the Mississippi River. The commemorative area features a museum, outdoor displays, viewing towers, a picnic area, and over six miles of walking trails. Port Hudson is a National Historic Landmark.

Y. Poverty Point State Commemorative Area is located on LA 577, north of Epps. Poverty Point is the site of the earliest culture yet discovered in the Mississippi Valley. Dated between 1700 and 700 B.C., this 400-acre site is said to be among the most significant archaeological finds in the country. Interpretive museum and guided tours are park's highlights. The facility is a National Historic Landmark.

Z. Rebel State Commemorative Area is located in Natchitoches Parish, three miles north of Marthaville off LA 1221. This site features the Louisiana Country Music Museum, which explores the development of country music in Louisiana. Also on site are an amphitheatre where performances are held periodically, and a picnic area.

AA. St. Bernard State Park is located 18 miles southeast of New Orleans on LA 39 in St. Bernard Parish. This is a 358-acre park. The park is also a convenient stop-off point for Chalmette National Historic Park and the city of New Orleans. Camping and picnic facilities are available.

AB. Sam Houston Jones State Park is located 12 miles north of Lake Charles on LA 378 in Calcasieu Parish. The 1,087-acre tract features camping areas, vacation cabins, boating, fishing, picnic areas and nature trails. Originally named for the Texas folk hero who traveled extensively in the western reaches of Louisiana, Sam Houston Jones was given its current name in honor of the state's thirty-seventh governor, who was instrumental in setting this tract of land aside for public use. Nature interpretive program during the summer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:779 (November 1988), LR 16:1051 (December 1990), LR 19:313 (March 1993).

## Chapter 9. Division of Outdoor Recreation Administration

### §901. Land and Water Conservation Fund Program Summarized<sup>1</sup>

A. Purpose. The Land and Water Conservation Fund (LandWCF) Act of 1965 (Public Law 88-576, 78 Stat 897) was enacted "... to assist in preserving, developing and assuring accessibility to all citizens of the United States of

America of present and future generations. . . such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation..." The LandWCF program provides matching grants to states, and through the states to local governments, for the acquisition and development of public outdoor recreation areas and facilities. Planning grants are also available to the states to help develop Statewide Comprehensive Outdoor Recreation Plans (SCORP).

**B. Delegation of Authority.** The LandWCF Act authorizes the secretary of the interior to provide financial assistance to states for outdoor recreation purposes. Except for the apportionment of funds among states and the approval of Contingency Reserve projects, this authority has been delegated to the director of the National Park Service (NPS). The regional directors are authorized to exercise the full program and administrative authority of the director within the geographic area comprising the region for which they have responsibility. Limitations to this delegation include the director's authority to act on all recommendations to the secretary involving the apportionment of LandWCF monies and the allocation of Contingency Reserve Fund assistance; and to approve or disapprove formal arrangements whereby the state agrees to assume certain responsibilities in the administration of the LandWCF program.

**C. Appointment of State Liaison Officer.** To be eligible for assistance under the LandWCF Act, the governor of each state shall designate, in writing, an official who has authority to represent and act for the state as the state liaison officer in dealing with the director of NPS for purposes of the LandWCF program. The state liaison officer (SLO) shall have the authority and responsibility to accept and to administer funds paid for approved projects. Upon taking office, a new governor shall officially, in writing, redesignate the present state liaison officer or appoint a new individual to represent and act for the state in dealing with the LandWCF program.

**D. Apportionment of Funds.** LandWCF monies are apportioned to the states by the secretary of interior each fiscal year in accordance with the apportionment formula contained in the LandWCF Act. This formula includes a factor for equal distribution of a portion of the funds among the states, as well as factors for distribution on the basis of population and need. Funds are apportioned to the individual states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the government of the Northern Mariana Islands (when such islands achieve commonwealth status), which are collectively referred to as "the states" for the purposes of this program. Funds may be made available through the states to political subdivisions of the state and other appropriate public agencies, including recognized Indian tribes which otherwise qualify for LandWCF assistance.

**E. State Planning Requirements.** To be eligible for LandWCF assistance for acquisition or development grants, each state shall prepare a Statewide Comprehensive Outdoor Recreation Plan (SCORP), and update and refine it

continually. The SCORP identifies capital investment priorities for acquiring, developing, and protecting all types of outdoor recreation resources within a state; it assures continuing opportunity for local units of government and private citizens to take part in their state's outdoor recreation and environmental planning programs; and it provides a practical tool for coordinating all state outdoor recreation and environmental conservation programs. Planning grants and technical assistance are available through the LandWCF program to help the states develop and update their SCORP planning process.

**F. Acquisition and Development Grants.** LandWCF assistance may be available (1) to acquire lands and waters or interests in lands and water for public outdoor recreation, and (2) to develop basic outdoor recreation facilities to serve the general public. To be eligible for assistance, projects must be in accord with the Statewide Comprehensive Outdoor Recreation Plan, be sponsored by a governmental agency, and meet other state and federal requirements.

**G. Contingency Reserve Fund.** A small portion of the fund is set aside in a Contingency Reserve Fund from which the secretary of interior may obligate assistance to individual projects on the basis of need.

**H. Basis for Assistance.** LandWCF assistance is provided on a 50/50 matching basis to individual projects which are submitted through the state liaison officer to the National Park Service for approval. Project costs shall be determined in accord with OMB Circular A-102 and A-87, the LandWCF Grants Manual and all claims shall be subject to verification by federal audit conducted in accordance with OMB Circular A-128.

**I. Project Program Administration.** The state liaison officer is responsible for administration of the LandWCF program in his/her state. This includes implementation of an ongoing SCORP planning process; evaluation and selection of projects in accord with an Open Project Selection Process; assuring compliance of projects with the requirements of this LandWCF Grants Manual; preparation and submission of applications, amendments and billings; inspection of projects to insure proper completion, operations and maintenance; and other functions necessary for proper program administration and management.

**J. Conversion Policy.** The LandWCF Act requires the states to operate and maintain acceptable standards the properties or facilities acquired or developed for public outdoor recreation use. Further, Section 6(f)(3) of the LandWCF Act requires that no property acquired or developed with LandWCF assistance shall be converted to other than public outdoor recreation uses without the approval of the secretary of the interior and the substitution in accord with the SCORP of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

<sup>1</sup>LandWCF Grants Manual, Guideline Number NPS-34, Release Number 140, 1983 Edition, Chapter 600.1.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1801-1809.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 12:828 (December 1986).

### **§903. Land and Water Conservation Fund (LandWCF) Grants Manual<sup>2</sup>**

A. This Land and Water Conservation Fund (LandWCF) Grants Manual sets forth the administrative policies, procedures and guidelines for LandWCF grants awarded to the states by the Department of Interior, National Park Service. It is intended to serve as a basic reference for those who are engaged in the administrative and financial management of LandWCF grants to states, and to achieve uniformity in the administration of the LandWCF program by the state liaison officers.

B. Participation in the LandWCF program is deemed to constitute a public trust. It is the responsibility of the state to comply with this manual and all terms and conditions of the grant agreement, to efficiently and effectively manage funds in accordance with the approved budgets, to promptly complete grant assisted activities in a diligent and professional manner, and to monitor and report performance. This responsibility cannot be delegated nor transferred. The policies and procedures contained in this manual are subject to applicable federal laws and regulations, and any changes made to these laws and regulations subsequent to their publication. In the event that these policies and procedures conflict with applicable federal laws, regulations, and policies, the following order of precedence will prevail:

1. federal law;
2. government-wide administrative regulations;
3. terms and conditions of grant award;
4. Land and Water Conservation Fund Manual.

C. The state bears primary responsibility for the administration and success of grant supported operations, including performance by third parties under subagreements made by the state for accomplishing nonconstruction and construction project objectives. Except as specifically excluded, the provisions of this manual shall be applied by the state to subgrantees and contractors performing work under LandWCF grants.

<sup>2</sup>LandWCF Grants Manual, Guideline Number NPS-34, Release Number 140, 1983 Edition, Chapter 600.0, Preface

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1801-1809.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§905. Who is Eligible for Assistance**

A. The Land and Water Conservation Fund Act provides grants only to states and through them to their political subdivisions. State agencies, parishes, cities, towns, school districts and special assessment districts, such as a recreation district are eligible to sponsor projects under this program.

Private individuals and organizations are not eligible for assistance under this program, even if they are nonprofit or charitable organizations. The applicant must have tenure to the proposed project site, either by ownership, or by an irrevocable and unrestricted lease of minimum 25 years' duration, preferably with option for renewal. An existing lease must be renegotiated to provide the initial 25 years.

B. Areas acquired or developed with Land and Water Conservation Fund assistance are dedicated to the exclusive use of public outdoor recreation.

C. The project sponsor must agree to develop, operate and maintain the proposed development by acceptable standards for public outdoor recreation in perpetuity.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1801-1809.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§907. Projects Eligible for Assistance**

A. Only costs for acquisition or development of public outdoor recreation areas are eligible. There are no federal funds available under this program for operation and maintenance. Sponsors must agree to operate and maintain the area or facilities at their own expense. Under this program there are no funds available for recreational activities such as salaries for instructors, baseball uniforms, etc.

B. Cost must be incurred after the project has received Federal National Park Service approval and the sponsor has been notified that the monies have been obligated.

C. Expenses for planning and engineering that are necessary to prepare the project for submission can be included in the eligible project costs. This is the only exception to the no retroactive costs. If any other work is performed or title to the land accepted prior to Federal National Park Service approval, the expenses incurred are not eligible for reimbursement.

D. Following are examples of facility development that would be eligible for reimbursement. This listing is not meant to be all inclusive, but merely suggestive of what has been funded in the past:

1. multi-purpose and/or basketball courts, could include lighting and fencing;
2. archery ranges;
3. ballfields such as baseball, softball, soccer, etc., could include lighting, dugouts, fence, etc.;
4. bleachers portable type bleachers only;
5. boat docks and boat loading ramps with adjacent parking and/or support facilities;<sup>3</sup>
6. buildings in support of public outdoor recreation are eligible, such as restrooms, storage buildings, service buildings, and small concession buildings;
7. fencing;

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8. fishing piers;<sup>3</sup>
9. fishing ponds;<sup>3</sup>
10. golf courses;
11. landscaping in conjunction with the construction of outdoor recreation facilities;
12. parking facilities in support of outdoor recreation;
13. passive recreation facilities;
14. pathways and trails such as bridle paths, bicycle, nature and pedestrian;
15. picnic facilities, could include tables, grills, benches, trash receptacles, and picnic shelters;
16. playground equipment such as slides, merry-go-rounds, etc., but not equipment such as bats, balls, etc.;
17. roads within the park area are eligible; city streets around the park are not eligible. Access roads from a public thoroughfare to the park area may be eligible if they do not serve any other purpose;
18. shooting ranges for rifles, pistols, skeet, etc.;
19. sidewalks within the park area are eligible but perimeter sidewalks normally are not;
20. signs;
21. site improvements such as grading, land leveling, retaining walls, drainage structures, etc. (These improvements must be of modest scale and not sufficiently extensive to constitute a public works' project.);
22. swimming beaches and pools, including bathhouse;
23. tennis courts which can also be lighted and fenced;
24. utility systems which must be underground. No overhead wiring systems are eligible for reimbursement. If there are any existing overhead utility lines, they are to be buried, relocated, or screened from view. Cost of burying, relocation, or screening would be an eligible project cost;
25. camping facilities which can include tables, fireplaces, restrooms, showers, information stations, snack bars, utility outlets and other facilities needed for camping by tent, trailer or camper;
26. outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas, including small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers and other similar facilities;
27. community garden can include land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas and restrooms if clearly identified in the SCORP as a needed outdoor recreation activity;
28. outdoor display facilities at zoological parks are eligible provided they portray a natural environmental

setting that serves the animal's physical, social, psychological and environmental needs, and that is compatible with the activities of the recreator. Can include walkways, landscaping, comfort facilities, parking;

### 29. small amphitheaters, bandstands.

<sup>3</sup>The Dingell-Johnson (D-J) Act (also known as the Federal Aid in Sport Fish Restoration Act) was amended (P.L. 98-369 of 1984) to require that at least 10 percent of a state's D-J apportionment be allocated for motor boat access facilities. In consideration of the allowance by both LandWCF and the DJ Act of common facilities, beginning in FY 1986, LandWCF assistance proposals for such activities must meet the following condition: Applications for LandWCF assistance shall include a description of applicant attempts to secure funding from the Dingell-Johnson program. LandWCF assistance will not be provided for facilities eligible under the Dingell-Johnson Program unless a state can demonstrate that it has been unsuccessful in an attempt to receive DJ assistance for the applicable proposal.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1801-1809.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§909. Not Eligible for Assistance**

The following examples are not meant to be all inclusive:

1. restoration or preservation of historic structures;
2. areas and facilities to be used primarily for semiprofessional and professional arts and athletics;
3. amusement facilities (such as ferris wheels, children's railroads, exhibit type development, etc.), convention facilities, commemorative exhibits, professional type outdoor theaters;
4. employee residences;
5. areas and facilities to be used solely for game refuges or fish production purposes not accessible to the public;
6. lodges, motels, luxury cabins, or similar elaborate facilities;
7. exhibit areas that function primarily for academic, historic, economic, entertainment or other nonrecreational purposes. This restriction includes convention facilities, livestock and produce exhibits, commemorative exhibits, fairgrounds, archaeological research sites, and other nonrecreational facilities. The development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area are not eligible;
8. development of school "athletic plant" facilities such as stadiums, running tracks for interscholastic athletics and athletic fields with grandstands; enclosed facilities such as recreation buildings and enclosed swimming pools, etc.; impoundments such as lakes and ponds and other artificial structures considered major "public works" improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§911. Schools**

A. Projects sponsored by a school district or project on or adjacent to school lands are eligible if they are to serve a general public recreation need. Facilities needed to meet the physical education and athletic program requirements of a school, or those that are a part of the normal and usual program and responsibility of educational institutions are not eligible for Land and Water Conservation Fund assistance.

B. The basic concept is that Land and Water Conservation Fund assistance can be used to expand facilities so that they may be available for community use. An example would be if a school has a tennis court and desires to add lighting so it could be used by the public in the evening. Another example: a school has a football field for their varsity games and desires to construct another field for grassed area activities for the general public. This would not preclude exclusive school use of certain facilities at certain specified times for instruction or competition, provided there is adequate public use at other times. Support facilities are eligible to the extent that they are needed to meet the designed public recreation use capacity.

C. Signs must be installed informing the public that the facilities are open to the general public. They also are to show the times when the facilities are reserved for exclusive school use.

D. An estimate of the amount of time the area will be used by the general public and the amount of time it will be used for exclusive school purposes must be enclosed with an application for a project to be on school lands. A time schedule showing exclusive school use must accompany the project application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§913. Application Preparation, Review and Selection Process**

A. No work may begin on a project until Federal National Park Service approval has been received. State applications for LandWCF funds must be submitted to the DOR and this initiates an extensive and lengthy process involving DOR preparation of the federal application package, securing clearinghouse approval, evaluation and rating, and presentation to the Louisiana State Parks and Recreation Commission (SPARC) for review and recommendations to the SLO of those projects to be funded upon receipt of federal funds.

B. Local government applications for fund assistance are processed through the sequence of steps described below:

1. Receipt. Following receipt of a request for assistance, it is immediately acknowledged by the DOR and an appointment is made to meet and discuss the potential project, so the applicant is aware that processing of the application has been initiated.

2. Review and Preparation of Application. A determination is made regarding the applicant's eligibility to participate in the LandWCF program. If found ineligible, the applicant is notified of proper procedures to establish eligibility or secure an eligible applicant to sponsor project. The state application materials and documentation furnished by applicant prior to the federal application preparation by project officers is then carefully checked for adequacy of form and content. If the application materials are found unacceptable in any area, the applicant is immediately notified of the deficiencies. If declared acceptable, processing continues to step 3.

3. Application Preparation. The materials and documentation are used by the project officer to prepare a complete application package which complies with all federal and state requirements.

4. Screening During Preparation by Project Officer. The application is checked against certain basic screening criteria [enumerated in the 1983-88 SCORP, Appendix EE, "Louisiana Open Project Selection Process and Priority Rating System" (OPSP)] to determine its suitability for the fund program. If the application is found unsuitable under any of the basic criteria, the applicant is immediately notified of the specific problem area. If declared suitable, processing continues to step 5.

5. Evaluation. The application is next evaluated to determine the relative priority it should receive in comparison with existing public outdoor recreation needs. The evaluation process, known as the Louisiana Open Project Selection Process and Priority Rating System (OPSP), is a prerequisite for eligibility to receive Federal LandWCF monies (LandWCF Grants Manual Chapter 660.4). Louisiana's OPSP was prepared and received federal approval April 1, 1981. Those projects which are rated as having the potential for meeting the greatest or most urgent public outdoor recreation needs within the scope of this program will be given priority consideration using the priority rating system. If the application fails to meet the criteria for priority consideration, the applicant is notified of its assignment to a "deferred" category until the application can meet the criteria. If the application is found to be deserving of priority consideration, processing continues to step 6. Periodically, all applications in the deferred status will be reviewed and re-evaluated for possible elevation to priority status.

6. Ranking. The application is tentatively ranked with all other pending priority projects on the basis of the "priority rating system" and then positioned on a priority list in the order of its recommended ranking. The completed project applications are then presented to the SPARC for review and recommendation to the SLO of both the application and recommended ranking. Upon acceptance by

the SLO, this ranking establishes the order in which applications will be further considered as funds become available.

a. The SPARC meets on a quarterly basis and projects are presented as the formal application is completed, at one of four quarterly meetings of the SPARC. At the last quarterly meeting, prior to the approximate time the annual Federal LandWCF apportionment is due, the SPARC reviews all pending projects in priority order and makes recommendations on the funding order to the SLO.

b. Projects may be prepared for funding as a single action or may be phased. If phased, only one phase at a time may be recommended for funding, although the entire project may be "qualified" for funding. Further, funding of a phase does not imply automatic funding of succeeding phases. To activate a succeeding phase, the "qualified applicant" must formally request subsequent funds by letter as the ongoing phase nears substantial completion. Substantial completion has been established by DOR as a minimum of 80 percent of the total project funds expended prior to awarding further funds. Another form of acceptable "phasing" is to add additional elements and funds upon reaching a state of substantial completion.

c. Successive phases are not reprioritized (ranked). At the final SPARC meeting prior to receipt of the annual LandWCF apportionment, a list of requests for successive phases is presented to the SPARC, who reviews and recommends to the SLO that:

- i. only new projects will be funded, or
- ii. only subsequent phases of active projects will be funded, or
- iii. a combination of new projects and subsequent phases of active projects will be funded.
- iv. at the same time that the completed application is forwarded to the SPARC, a copy is also sent to the Office of State Clearinghouse to comply with E.O. 12372, Intergovernmental Review of Federal Programs (replacing Office of Management and Budget Circular A-95).

7. Submission. The approved application is placed in final form and officially submitted as an application of the State of Louisiana to the Southwest Regional Office of NPS. At this point, the application is then dependent on federal action for its further progress.

#### 8. Federal (NPS) Action.

a. The submitted application is then considered by the Southwest Regional Office of the NPS. If the application is found acceptable in all respects, it will be "qualified." *Qualification* is a verification of technical adequacy and federal compliance conferred by NPS and does not imply commitment of federal funds. Immediate qualification and backlogging enables the participant to draw upon a wider variety of funding sources and assures DOR of 100 percent obligation of funds upon receipt of its annual apportionment.

b. In the above connection, a projection is made in regard to expected federal funds in each fiscal year to the extent of all projects placed in a funding position and the participant advised of the approximate time expected for forwarding of his project to the federal level. Prior to the expected date of funding, the participant is contacted to ascertain whether or not his share is available and that the project is still desired. In the event the participant does not have his share of the funds or a predictable source at that time, the project is passed over for funding, but will retain the funding position until such time as the project can be funded or withdrawn.

9. Recommendation. As funds become available, priority projects are recommended in their established order through the SPARC to the SLO. If all LandWCF monies have been obligated at the time, the project will be held in a standby status pending release of additional monies. As funds do become available, the application (already qualified) is then recommended in its turn to NPS for obligation of funds. Applications will be recommended for obligation only in an appropriate number to utilize efficiently those funds available at that specific time.

10. Once the desired amount of funds is "obligated" to the subject project by NPS, a project agreement will be executed for this purpose between the NPS and the state, and a similar agreement between the state and the local government. If found not acceptable for some reason, the application will be rejected by NPS and returned to the applicant, via the state, with reasons for such rejection. Processing of qualified applications continues to step 11.

11. Termination. The qualified application, with funds obligated to its subject project, is ready for funding and implementation. This is the final step in the preprocessing procedure, and the application will then be terminated in one of two ways: by successful completion of the project or by deactivating, if for some reason the project cannot be successfully completed. Postprocessing of applications for successfully completed projects will include progress reports and billings for work performed and accounting for funds expended. The process is concluded with formal notification by NPS of final settlement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§915. Application Preparation, Documents to be Submitted**

Documents to be submitted vary for acquisition, development, or combination projects, but will include some or all of the following:

1. project Application (include four digit census tract number, if available);
2. copy of resolution or minutes of meeting whereby the sponsor authorized the project;
3. evidence of land control:



a. projects for the development of facilities on leased land are not eligible except for land leased from the federal government for 25 years or more and except as noted as follows. Leases from one public agency to another that include provisions which adequately safeguard the perpetual use requirement contained in the statute may be eligible for fund assistance. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor would assume compliance responsibility for the fund-assisted area in the event of default by the lessee or expiration of the lease;

b. a copy of sponsor's deed to the land must accompany each project application where the sponsor already owns the land, along with a copy of title opinion, where available, and a letter of just compensation if purchased after January 2, 1972;

c. in the case of acquisition projects, the following listed items must be submitted with the application:

i. a property description showing acreage to be acquired and location;

ii. a description of type of title to be acquired;

iii. a list of any reservations or rights held by others, i.e. mineral rights, easements, rights-of-way, etc., on the property to be acquired;

iv. an explanation of how reserved rights will or will not affect the surface;

v. a plat map of the subject property;

4. breakdown of estimated project costs. Note: (1) No contingency costs allowed. (2) Add \$200 for NPS permanent plaque; another \$150 for temporary sign if project is over \$500,000. (3) Bottom line is 6.6 percent of total costs to cover state administrative charges. (4) At least 60 percent of the construction costs must be for construction of recreation elements, and no more than 40 percent may be expended on support facilities such as roads, parking, restrooms, to name a few;

5. maps and plans (seven copies of each):

a. vicinity neighborhood, city streets;

b. area location in parish or quadrangle map;

c. location state map;

d. plat or boundary map for acquisition projects must be dated, that area to be included in the project must be delineated and the application must identify known outstanding rights and interests held by others which exists within the project area (such as mineral rights and easements). If mineral rights are retained by the seller or someone other than the purchaser, the Act of Sale must contain a provision/clause specifying that any drilling to be done must be slant drilling and must be done from outside the project boundary lines;

e. Civil Rights Act of 1964 Assurances (two each):

i. DI Form 1350, Assurance of Compliance;

ii. Title VI Compliance Report;

f. site or boundary map for development projects must be dated and included in the application. It must clearly delineate that area to be included under the conversion provisions of Section 6(f)(3) of the Fund Act and Manual, part 685, by showing a starting point located at intersection of nearest identified roads, and including the dimensions of each site of the site boundary. If site is not located at street intersection, measure from nearest intersection to nearest corner of site for point of beginning. It must identify known outstanding rights and interests held by others which exist within the project area;

g. development plan must show proposed facilities, and existing facilities must be clearly delineated. (If more than one phase is involved, color code plan for each phase.);

h. schematic floor plans for all enclosed or roofed structures;

i. metes and bounds survey for acquisition by purchase or donation;

6. statement that P.L. 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" has been or will be followed (only if acquisition is involved see section on acquisition projects or if property for development project was purchased after January 2, 1972).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 12:828 (December 1986).

### **§917. State Parks and Recreation Commission (SPARC)**

The SPARC, in an advisory capacity, may recommend rules to the SLO, who can establish as rules and set limits when deemed necessary to provide a more equitable distribution of funds throughout the state or to assure prudent administration of the program within the guidelines set by state and federal law. Based on the FY 1984 apportionment of \$1.3 million, the ceiling is currently \$100,000 per project sponsor per year. Based on an increase or decrease in the LandWCF apportionment, the ceiling will be adjusted. Addition of funds to a project to take care of a construction overrun are limited to the percent allowed by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986).

### **§919. Legal Requirements**

A. Funding Restrictions Noneligible costs. The following are not eligible for federal assistance:

1. ceremonial or entertainment expenses;

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2. expenses for publicity;
3. bonus payments of any kind;
4. charges in excess of the lowest bid when competitive bidding is required;
5. taxes which the project sponsor would not have been liable to pay;
6. interest expenses;
7. damage judgments, whether determined by judicial decision, arbitration or otherwise;
8. incidental costs relating to acquisition of real property or interest therein, including appraisals;
9. operation and maintenance costs of recreational areas and facilities;
10. lands acquired from the federal government at less than fair market value;
11. costs of discounts not taken;
12. employee facilities, including residences, appliances, office equipment, furniture, etc.;
13. donations or contributions made by the project sponsor, such as to a charitable organization;
14. salaries and expenses of the chief executive of the project sponsor (mayor, etc.) or the local government body (city council, etc.);
15. fines and penalties;
16. legal, professional fees paid in connection with raising funds;
17. use of sponsor's own equipment.

B. Matching Grants. All grants receiving LandWCF funds must be matched by at least an equal amount from other sources by the grantee. Such sources include:

1. cash;
2. general fund appropriations;
3. income from taxes;
4. other federal funds are limited to:
  - a. federal revenue sharing;
  - b. HUD funds;
5. donation of real property;
6. labor by employees of the grant recipient.

### C. Use of Grant Funds

1. All LandWCF grants become effective only after an official grant agreement is signed by the authorized representative, NPS and the state liaison officer or alternate state liaison officer, and a similar grant agreement is executed between the state and the grant recipient. Submission of a signed grant agreement to DOR constitutes (1) agreement to comply with all rules, regulations and laws

described in these guidelines and (2) acceptance of all other terms and conditions of the grant contained in the grant agreement, grant application, the project handbook and LandWCF Grants Manual.

2. To be eligible for matching funds, all costs must be incurred within the project period, the project period being after the date the project was approved by the National Park Service and before the agreed upon ending date. The only exception would be costs for planning and engineering necessary for submitting a project. These must be listed separately in the cost breakdown with the project proposal:

a. be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto and not be a general expense required to carry out the overall responsibilities of state or local governments;

b. be authorized or not prohibited under state or local laws or regulations;

c. conform to the limitations of Office of Management and Budget, Circular A-87 (formerly FMC 74-4), federal law, or other limitations in the project agreement as to types or amounts of costs;

d. be treated consistently through application of generally accepted accounting principles that are applied uniformly to both federally assisted and nonfederally assisted activities of the project sponsor. As of December 30, 1984, accounting principles should be in accord with the provisions of OMB Circulars A-102, A-128 or A-110;

e. not be allocable to or charged to any other federally financed program;

f. be net of all applicable credits;

g. allowable costs include, but are not limited to:

i. force account is applicable in-kind labor directly employed by sponsor at his regular salary.

ii. fringe benefits, such as insurance, retirement plans, social security contributions, etc., which are regularly provided to employees by the project sponsor are legitimate personal service costs and are eligible for reimbursement. Fringe benefit costs to a project should be computed in proportion to the time spent on a project;

iii. consultant services that are necessary for a project are generally eligible costs. No consultant fee paid to any federal, state or project sponsor's employee will be eligible for reimbursement unless specifically agreed to by the Federal National Park Service. Louisiana bases consultant services on the "Louisiana Fixed Fee Curve For Basic Design Services";

iv. supplies and materials which may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, rebates, etc., and the latter should be charged at cost under any recognized method pricing consistently applied. Incoming transportation charges are a proper part of material cost;

v. construction which covers all necessary construction activities, from site preparation through completion. Construction may be carried out through a contract with a private firm or by the use of the project sponsor's own personnel and materials as outlined above;

vi. information and interpretation costs directly related to a project. These may include informational and directional signs, display boards, dioramas, or other facilities which interpret or explain the project area. Publicity costs are not eligible;

vii. costs of purchases of real property or of interests in real property. Assistance is limited to the lesser of fair market value or actual amount paid. Any incidental costs of acquisition, such as appraisals, legal fees, etc., are not eligible for matching funds. The cost of acquiring real property from other public agencies may be eligible for matching provided: (1) the land was not originally acquired by the other agency for recreation, nor has it been so managed while in public ownership, (2) no federal assistance was involved in the original acquisition by the other agency, or (3) if the selling agency is federal, fair market value is paid;

### 3. Eligibility of Donations

a. To be eligible for reimbursement the proposed donations must be clearly spelled out in the project application. This must include a breakdown as to what is to be donated and the estimated value of the donations.

b. In-kind contributions, which may be considered as part of the project sponsor's matching share, fall into the following categories:

i. real property. For land value to be eligible, (1) the project must include additional acquisition and/or development costs equal to or greater than the donated land value and (2) the grant recipient must not accept title to the donated land until NPS obligation of funds has been received. In addition to the usual documentation and procedures for submitting an acquisition project, the following are necessary when a land donation is involved:

(a). immediately after obligation of funds to a project, the project sponsor must arrange for a qualified appraiser to make an appraisal in accordance with LandWCF Grants Manual specifications. (The cost of the appraisal is to be borne completely by the project sponsor. It is not eligible for reimbursement.) Two copies of the complete appraisal are to be submitted to the Office of State Parks, Division of Outdoor Recreation;

(b). the appraisal will be reviewed by an independent appraiser at the state level;

(c). when the appraisal is approved, it is submitted to the National Park Service for final approval;

(d). upon final approval the land may be accepted by the project sponsor and work on the development portion of the project may begin after plans and specifications have been approved and pre-construction certification issued;

ii. labor. Records of in-kind contributions of personnel shall include time sheets containing the signatures of the person whose time is contributed and the project supervisor verifying that the record is accurate.

4. Eligibility of Acquisitions. All projects involving acquisition are subject to the provisions of P.L. 91-646, "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and must have been acquired under the guidelines of the Act. The Act deals with two basic areas: (1) Title II-the establishment of a uniform policy for the fair and equitable treatment of persons who must relocate their homes, farms, or businesses as a result of a federal or federally assisted program; (2) Title III-the establishment of uniform procedures to be followed when acquiring real property, so that all persons will receive fair treatment and be offered a fair price for their property. To comply with Title III of the Act, the following outlined procedures are to be observed.

#### a. Initial Contact with Landowner

i. An initial contact should be made to determine if the owner is willing to sell the property for park purposes.

ii. No price is to be negotiated at this time.

iii. If he is willing to sell, permission to inspect the property and have it appraised should be obtained.

iv. He should be informed that he will be given the opportunity to accompany the appraiser during his inspection of the property.

#### b. Appraisal

i. The owner or his representative must be given the opportunity to accompany the appraiser during his inspection of the property.

ii. Before obligation of funds, the Office of State Parks, Division of Outdoor Recreation, will notify the project sponsor to send two copies of one appraisal. The appraisal must meet LandWCF Grants Manual requirements which will have been previously sent to the sponsor.

#### c. Fair Market Value

i. The owner must be advised, in writing, of the value of the property, which is based upon the appraisal.

ii. The amount offered to purchase the property must not be less than the appraised value.

iii. If the negotiated selling price differs from the appraised value, explain in detail why there is a difference. Fund assistance is limited to the appraised value or selling price, whichever is lower.

#### d. Project Proposal

i. The sponsor must not accept title to the property before the project has been approved by the Federal National Park Service.

ii. With the project application, enclose a statement that the above procedures have been or will be followed.

## 5. Public Acknowledgement

## a. Temporary Signs

i. Such signs indicating Land and Water Conservation Fund assistance for an acquisition and/or development project which exceeds \$500,000 total cost must be located on or near the project site. Projects involving less than \$500,000 total cost may be temporarily signed at the discretion of the project sponsor.

ii. Development projects of more than \$500,000 will be temporarily signed from the commencement of construction until a permanent sign is installed. Signing of acquisition projects may be delayed until the acquisition of all parcels. A temporary sign must be installed upon the completion of the acquisition for a period of not less than six months or until replaced by the permanent sign.

iii. The sign should include the source, percentage and dollar amount of all federal and local funds involved. It should also acknowledge participation by the National Park Service and the Office of State Parks, Division of Outdoor Recreation. The sign should also indicate if the project is for acquisition, development, or both.

iv. Items for the sign are the two agency symbols and color of the lettering. These will be provided to all project sponsors and are an eligible item.

v. Unless precluded by local sign ordinances, the minimum size of the signs will be 2 feet by 3 feet, and there is no maximum size. The temporary sign is an eligible project item, one-half of the cost of which is reimbursable. The temporary sign could be included as part of the contract items.

b. Permanent signs acknowledging Land and Water Conservation participation are also required by federal guidelines. Arrangements have been made by the Division of Outdoor Recreation for the purchase of such signs. One-half of the cost will be deducted from the first request for reimbursement. Upon completion of the project, the sign is sent for installation at the project site.

6. Compliance with Administrative Regulations. Grant recipients must adhere to the administrative requirements for grants from DOR as determined by the state and any additional requirements by the National Park Service such as those promulgated in Office of Management and Budget (OMB Circulars A-87, A-102, or A-128 if grant recipient is an agency of state or local government, or A-110 if a non-profit organization).

7. Standards for Financial Management. State and local government systems for the financial management of LandWCF assisted activities shall be in accordance with OMB Circular A - 102, Attachment G, and provide for:

a. accurate, current, and complete disclosure of the financial results of each project grant;

b. records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards

and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

c. effective control over and accountability for all funds, property, and other assets. The grantee shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes;

d. procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee whenever funds are advanced by the federal government;

e. procedures for determining the allowability and allocability of costs in accordance with the provisions of OMB Circular A-87 (formerly FMC 74-4) and the LandWCF Grants Manual;

f. accounting records which are supported by source documentation. Separate project accounts shall be established and identified by the number assigned to the project by the service;

g. audits to be made by the state in accordance with OMB Circular A-128 to determine, at a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws, regulations and administrative requirements. The state and grantees will schedule such audit annually.

h. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

8. Compliance Requirements and Procedures. The Office of State Parks, through the Division of Outdoor Recreation, is authorized to administer the Department of Interior Land and Water Conservation Fund Act (16, U.S.C. '4601-4 to 4601-11) in Louisiana by Act 329 of 1982. This office receives federal funds through this program and distributes them in the form of grants to subrecipients who are political subdivisions of the state. As a recipient of federal funds, the Office of State Parks, Division of Outdoor Recreation, is subject to the requirements of the Single Audit Act of 1984 P.L. 98-502, as are the program subrecipients of this fund. As a result of the Single Audit Act of 1984, the Office of State Parks, Division of Outdoor Recreation, has established the following guidelines for the office as a recipient of LandWCF funds and for subrecipients who are awarded these funds. These guidelines will also apply to any other federal programs the office may administer while the act is in effect.

## a. Audit Requirements

i. All units of local government within the state, including a municipality (city, town), parish, school board, recreation district or other unit of local government who receive a total equal to \$100,000 or more in federal financial assistance (from all federal sources) are required to submit a single audit report for that year, in compliance with the requirements of the Single Audit Act of 1984, P.L. 98-502.

ii. All units of local and parish government described above who receive a total equal to or more than

\$25,000, but less than \$100,000 in federal financial assistance (from all federal sources) shall submit a single audit report for that year, in compliance with P.L. 98-502; or shall submit an audit report for that year in accordance with federal laws and regulations governing the program they participate in.

iii. All units of local and parish government described above who receive a total of less than \$25,000 in federal financial assistance shall be exempt from compliance with P.L. 98-502 and other federal audit requirements. These governmental units will be governed by audit requirements prescribed by state and local law or regulation, and such reports generated will be submitted.

iv. Public universities must submit an audit in compliance with Circular A-110 or other applicable audit requirements.

#### b. Documentation Requirements

i. Subrecipients will be required to submit an audit to the Office of State Parks, Division of Outdoor Recreation, on a fiscal year basis. Since the project period extends for up to five years, an audit is required for each year the grant is in effect. The reports must be received by this office within 30 days after issuance of the audit report.

ii. If an audit report has not been received by this office within 90 days after the project agreement ending date or financial completion date, whichever comes first, the subrecipient will be contacted and an estimated submission date will be established for the report. This date may not exceed one year from the project agreement ending date or financial completion date.

#### c. Audit Resolution

i. When an audit report is received by this office it will be reviewed for compliance. If any illegal acts or irregularities are cited concerning the LandWCF or other federal programs administered by this office, prompt notice will be given to the recipient in writing. Corrective actions by the subrecipient must be accomplished within six months after receipt of the audit report by this office.

ii. If the cited illegal acts or irregularities are not corrected within the six-month time period described above, a copy of the letter of notification to the subrecipient will be sent to the Louisiana Legislative Auditor's Office and to the Louisiana Attorney General's Office, accompanied with a request that they take the required legal action. In addition, the cognizant federal agency will be notified and requested to take appropriate actions and/or the federal agency responsible for the program.

d. Effective Date. The Single Audit Act and accompanying Circular A-128 shall apply to the fiscal years of state and local governments that begin after December 31, 1984. Until implemented, the audit provisions of Attachment P to OMB Circular A-102 shall continue to be observed.

e. Files Retention. All files will remain with the central administrative files in the Division of Outdoor Recreation for the duration of project and for the three years after completion as required by federal law.

f. P.L. 98-502 and OMB Circular A-128. All provisions of P.L. 98-502 and OMB Circular A-128 are incorporated by reference in this procedure.

g. Revisions. Any changes to OMB Circular A-128 by Congress, OMB, or through relevant implementation rules/regulations promulgated by the federal granting agency will be added by addendum or procedure revision and provided to the secretary and undersecretary.

9. Compliance with Federal and State Laws. When accepting a LandWCF grant awarded through DOR, grantees are required to comply with all state laws applicable to the DOR grants program and those federal statutes, regulatory requirements and policies required by NPS summarized as follows, but not limited to:

a. Architectural Barriers Act of 1968 (P.L. 90-480) (see manual, chapter 660.5). Provides facility access to the handicapped. In the design of all projects receiving federal financial assistance, consideration must be given for use by the physically handicapped. Ramps should be considered in place of steps. Door widths should be sufficient for passage of wheelchairs. Trails and pathways can be designed for use by the blind;

b. the Flood Disaster Protection Act of 1973 (12 U.S.C. Sec. 24, 1701-1 Supp.) (42 U.S.C. Sec. 4001 et seq.) (see manual, chapter 650.6). If project is in a flood zone as established by HUD flood maps, all enclosed structures valued over \$10,000 must carry flood insurance;

c. the National Environmental Policy Act of 1969, as amended (P.L. 91-190, 42 U.S.C. 4321 et seq.) (see manual, chapter 650.2). An environmental assessment or certification will be prepared by the DOR staff. Need for full environmental impact statement will be determined at the federal level, if warranted;

d. the Clean Air Act, as amended (42 U.S.C. 7609);

e. the Clean Water Act (33 U.S.C. Secs. 1288, 1314, 1341, 1342, 1344);

f. Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977);

g. Executive Order 11288, concerning prevention, control and abatement of water pollution (see manual, chapter 660.5);

h. Executive Order 11988, Floodplain Management (see chapter 650.7);

i. Executive Order 11296, Evaluation of Flood Hazard in Locating Federally Owned or Financed Buildings, Roads, and Other Facilities and in Disposing of Federal Lands and Properties;

j. Federal Act for Protection and Restoration of Estuarine Areas (P.L. 90-454);

k. Wild and Scenic Rivers Act of 1968 (P.L. 90-542) (16 U.S.C. 1274 et seq.);

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l. Coastal Zone Management Act of 1972 (P.L. 92-583) (16 U.S.C. Sec. 1451, 1456) (see chapter 660.5);

m. the Rivers and Harbor Act of 1899 (33 U.S.C. Sec. 401 et seq.);

n. Executive Order 11990, Protection of Wetlands (see chapter 650.7);

o. the Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661, 662);

p. the Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) (see chapter 660.5);

q. the Antiquities Act of 1906 (16 U.S.C. Sec. 431); (see chapter 650.4);

r. the Archaeological and Historic Preservation Act of 1974, as amended (P.L. 93-291, 16 U.S.C. Sec. 469 a-1) (see chapter 650.4);

s. the National Historic Preservation Act of 1966, as amended, (P.L. 88-655, 16 U.S.C. Sec. 470 et seq.) (see chapter 650.4). An archaeological survey may be required. In all projects, should cultural resources be discovered during construction, this agency should be notified immediately;

t. Executive Order 11593, Protection and Enhancement of the Cultural Environment (see chapter 650.4);

u. Federal Aid Highway Act of 1973 (P.L. 93-87);

v. Section 504, the Rehabilitation Act of 1973, as amended (P.L. 93-112);

w. Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (P.L. 94-646) (see chapter 650.3). SPARC policy prohibits that part of a project requiring relocation;

x. Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. Sec. 2000d to 2000d-4) (see chapter 650.9);

y. Executive Order 11246, Equal Employment Opportunity (see chapter 650.5);

z. Office of Management and Finance and Budget Circulars A-102 and A-128. Provides uniform administrative requirements for grants-in-aid to state and local governments (see chapter 675);

aa. Office of Management and Budget Circular A-87 (formerly FMC 74-4). Identifies cost principles applicable to grants and contracts with state and local governments as they relate to the application, acceptance and use of federal funds (see chapter 670.3);

ab. Power Plant and Industrial Fuel Use Act of 1978 (P.L. 95-620) (see 640.3.7J and 660.5.3V);

ac. Executive Order 12185, Conservation of Petroleum and Natural Gas (see 640.3.7J and 660.5.3V);

ad. Executive Order 12372, Intergovernmental Review of Federal Programs (see chapter 650.8);

ae. Executive Order 12432, Minority Business Enterprise Development;

af. a permit from the appropriate federal agency (Corps of Engineers, Coast Guard, etc.) is required for development proposals involving any activities in navigable waters. The grantee will be responsible for providing the Division of Outdoor Recreation with the appropriate permits.

10. Procurement Standards. The work of developing an area or areas may be accomplished by contract, donated labor, or by force account, subject to conditions established by the service. Prior to the commencement of any work, the DOR staff must be provided with a complete set of plans and specifications for review and certification. Projects or portions thereof may be undertaken through contracts in accord with the procurement standards and guidelines set forth in OMB Circular A-102, Attachment O. This includes the procurement of supplies, equipment, construction and services. Applicable federal statutes, regulations or policies which must be considered include, but are not limited to:

a. Executive Order 11246, as amended, regarding equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with contractors performing under federally assisted construction contracts;

b. Executive Order 12432, Minority Business Enterprise Development;

c. OMB Circular A-102, Attachment O, except for provision related to compliance with Davis Bacon Act requirements (unless required by a program providing supplemental funding). Should supplemental funding be provided which requires compliance with Davis Bacon Act requirements, all construction contracts awarded by the grantee and subgrantee in excess of \$2,000 shall include a provision for compliance with such act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5);

d. Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR, Part 3);

e. Hatch Act, which provides that no officer or employee of the state, whose principal employment is in connection with any activity which is financed, in whole or in part, pursuant to this agreement, shall take part in any of the political activity prescribed in the Hatch Political Activity Act (5 U.S.C. Sec. 118k, 1964), with the exceptions therein enumerated.

### 11. Reimbursement of Project Costs

a. Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the manual and OMB Circular A-87 (formerly FMC 74-4).

b. The agreement may include the use of the indirect cost rate currently approved, in accordance with Circular A-87 for the state that is a party to this agreement.

c. Federal financial assistance under the Land and Water Conservation Fund program is on a 50 percent reimbursable basis. The project sponsor is to implement the proposed project, pay the bills, and submit documentation regarding all expenses on a partial or final billing basis. Fifty percent of the eligible costs, less an administrative fee, will then be reimbursed by the federal government through the Division of Outdoor Recreation. After adequate documentation is received by the Division of Outdoor Recreation, the processing usually takes 14 to 20 days before the project sponsor receives the reimbursement.

Partial Payments CA project sponsor may submit a request for reimbursement at any time during the life of the project. Project billings should be submitted not more frequently than at 30-day intervals and should not be less than \$1,000. Documentation required for reimbursement includes copies of all checks and pertinent invoices. Partial billings will be processed up to 90 percent of the total project cost. A billing within the final 10 percent of the project cost will not be processed unless it is the final billing for that project and a final on-site inspection has been made.

d. Each project is approved at a specific total dollar amount. If a project sponsor awards a bid or signs a contract in an amount to exceed the total cost of the project, there is a strong possibility that the project sponsor may have to bear the total cost of the overrun with their own funds. If the bid is over the approved dollar amount, the sponsor must contact the Division of Outdoor Recreation for approval of the overage before awarding the contract.

12. Retention of Records. In accordance with OMB Circular A-102, Attachment C, the following policies will apply to records maintenance.

a. Financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of three years after final payment on a project or element. The records shall be retained beyond the three-year period if audit findings have not been resolved.

b. The retention period starts from the date of the submission of the final expenditure report.

c. State and local governments are authorized to substitute microfilm copies in lieu of original records.

d. The Division of Outdoor Recreation, legislative auditor, attorney general, secretary of the interior and the comptroller general of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the state and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audits, examinations, excerpts and transcripts.

### 13. Project Termination

a. The director of NPS may temporarily suspend federal assistance under the project pending corrective action by the state or local government, or pending a decision to terminate the grant by the National Park Service.

b. The state may unilaterally terminate the project or consolidated project element at any time prior to the first payment on the project or consolidated project element. After the initial payment, the project may be terminated, modified, or amended by the state only by mutual agreement.

c. The director of NPS may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The director will promptly notify the state in writing of the determination and the reasons for the termination, together with the effective date. Payments made to states and local government of recoveries by NPS under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

d. The director or state may terminate grants in whole, or in part, at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the state for the federal share of the non-cancelable obligations, properly incurred by the grantee prior to termination.

e. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the state and the director, or that all funds provided by the National Park Service be returned.

### 14. Conversion to Other Uses

a. Property acquired or developed with Land and Water Conservation Fund assistance shall not be converted to other than public outdoor recreation uses without prior approval of the secretary of the U.S. Department of the Interior. The secretary's approval will not be given unless the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable usefulness, quality, and location is guaranteed.

b. Property acquired or developed for one type of recreation activity may not be converted to another recreational activity unless prior approval is obtained from the state liaison officer and NPS.

c. All proposals to convert property acquired or developed with Land and Water Conservation Fund assistance to other than public outdoor recreation uses or to other than the proposed uses should be sent to the Division of Outdoor Recreation.

### 15. Inspections

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a. Inspections may be made at any time before, during, or after the project period by either the Division of Outdoor Recreation or the National Park Service.

b. The Division of Outdoor Recreation visits all project sites at least once before project approval and a minimum of once a year during the construction or development. Upon completion of the project, a final site visit will be made before the final billing is processed. After a project has been completed, it is usually visited on a triannual basis.

c. In order to determine whether properties acquired or developed with LandWCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, a state compliance inspection is to be made within three years after final billing and at least one every five years thereafter.

d. The following points will be taken into consideration during the inspection of properties that have been developed for public use.

i. Retention and Use. Is the property being used for the purposes intended?

ii. Appearance. Is the property attractive and inviting to the public?

iii. Maintenance. Is upkeep and repair of structures and improvements adequate? Is there evidence of poor workmanship or use of inferior quality materials or construction? Is vandalism a problem?

iv. Management. Does staffing and servicing of facilities appear adequate?

v. Availability. Is there evidence of discrimination? Is the property readily accessible and open to the public during reasonable hours and times of the year?

vi. Environment. Is the quality of the area being maintained?

vii. Signing. Is the area properly signed to allow for user information and safety, and proper acknowledgement of the Land and Water Conservation Fund assistance received?

viii. Interim Use. Where lands have been acquired but not yet developed, the inspection should determine whether the interim use being made of the property, if any, is as agreed to by the service.

e. When a compliance problem is noted, DOR will immediately notify the sponsor and NPS in writing. Failure of the grantee to meet DOR and LandWCF requirements for the timely and appropriate resolution of noncompliance findings and recommendations shall result in legal action and the grantee will be ineligible to receive future LandWCF grants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 12:828 (December 1986).



# Title 25

## CULTURAL RESOURCES

### Part XI. Office of the Secretary

#### Chapter 1. Byways

##### §101. Segmentation of Louisiana Byways

A. Byway designations do not have to be contiguous. A specific segment of an existing or proposed Louisiana byway may be excluded from the Louisiana byway system upon the recommendation to, and determination by, the secretary of the Department of Culture, Recreation and Tourism (secretary) as provided by R.S. 56:1948.7. The local byway authority, commission or entity (commission) of each respective byway may recommend to the secretary a de-designation or exclusion of a byway segment if said portion does not contain the intrinsic values of natural, recreational, archaeological, scenic, cultural or historical features as described in R.S. 56:1948.2 and 56:1948.3. The beginning and ending of any excluded segment will be at those points of visible change in the appearance of the adjacent features along the byway.

B. Local agencies, organizations or interested residents of the parish in which a segment of a proposed or existing byway area exists may petition, in writing, the local commission for a hearing on the exclusion of a segment of the local byway. This hearing shall be held within 30 days of the commission's receipt of the petition from the applicant, and reasonable notice of the time and date of the hearing shall be given to the applicant.

C. Within 10 days of the hearing, the commission shall submit to the secretary a resolution stating the commission's recommendation to either concur with or deny the applicant's request for exclusion. The recommendation of the commission is not a final decision on the issue of exclusion. All commission recommendations are forwarded to the secretary for his consideration and final decision. The commission's resolution must provide written reasons for its recommendation and shall include the following:

1. identification of the byway at issue and as designate in accordance with R.S. 56:1948 et seq;
2. identification of the entity that proposed the byway in accordance with R.S. 56:1948.4;
3. identification of the beginning and ending of the segment recommended to be excluded, measured in relation to permanent public features of the byway such as intersecting highways, municipal and parish boundaries and public buildings;

4. a description of the zoning on the adjacent land, including the name of the zoning authority, if zoned; or if unzoned, a description of the commercial or industrial activities located on the adjacent land, including the name of any businesses and the boundaries of the regularly used areas of such businesses;

5. a report of the differences between the segment to be excluded and the criteria for Louisiana byway designation in R.S. 56:1948.2 and R.S. 56:1948.3.

D. Within 10 days of the receipt of the resolution from the local commission, the secretary shall send a copy of the commission's resolution and accompanying documents to the Department of Transportation and Development with a request for written concurrence or nonconcurrence within 30 days on the suitability of the recommended segment for exclusion.

E. Within 45 days after the receipt of the resolution and accompanying documents from the local byway commission, the secretary will determine whether to exclude the segment of the Louisiana byway. The secretary shall provide the applicant and the local commission written reasons for his decision, which shall consider the petition of the applicant, the recommendation and accompanying documents received from the local byway commission, the recommendation of the Department of Transportation and Development, the statutory guidelines for the selection and establishment of byways as found at R.S. 56:1948 et seq., and any other evidence brought before him.

F. Incorporated communities and municipalities that are located on scenic byways may follow the procedure described above to petition the local commission to exclude segments found within the municipality if such segment does not possess the natural, recreational, archaeological, scenic, cultural or historic features described in R.S. 56:1948 et seq.

G. An excluded segment may nevertheless be included in the byway system by the Department of Culture, Recreation and Tourism, the Department of Transportation and Development, the local commission and other local authorities in official signage and mapping of the byway and other purposes solely to preserve system continuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1948.7.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 23:35 (January 1997).



# Title 25

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